IN THE COURT OF THE SUB JUDGE, PALA

Present:- Smt. Rajasree Rajgopal, Sub Judge

Monday 19th day of January, 2026

29th day of Pousha 1947

O S No. 72/2019

Plaintiff: State of Kerala, represented by District Collector, Kottayam, Kottayam-2

By - Adv. Saji Koduvath.,
Adv. Alex Thomas

Defendants:-

1. Ayana Charitable Trust, (Formerly known as Gospel for Asia a relegious and Charitable Trust), Believer,s Eastern Church Campus, St. Thomas Nagar, Kuttappuzha Village, Thiruvalla Taluk, Pathanamthitta Dist. represented by its Managing Trustee Dr. Sini Punnoose, aged 47, W/o. Punnoose, Ayana Charitable Trust, Belivers Eastern Church Campus St. Thomas Nagar, Kuttappuzha Village, Thiruvalla Taluk, Pathanamthitta Dist.

2. M/s Harrison's Malayalam Ltd.24/1624, Bristow road, Wellington Island, Kochi represented by its Managing Director , M/s Harrisons Malayalam Ltd. 24/1624, Bristow Road, Wellington Island, Ernakulam Dist, Kochi- 682003.

3. Mar Athanasius Yohan Metropolitan Formerly Known as Dr. K.P. Yohannan, aged 69, S/o. Chacko Punnoose, Bishop's House, Gospel for Asia, Seminary Campus, Punnakunnam Muri, Kuttappuzha Village, Thiruvalla Taluk, Pathanamthitta Dist.

4. Dr. Sini Punnoose, aged 47, W/o Punnoose Managing Trustee, Ayana Charitable Trust, Believers Eastern Church Campus, Thiruvalla Taluk, Pathanamthitta Dist.

D1, D3 & D4 By- Adv. P Haridas,
Adv. Shijimol M Mathew
Adv. Dilraj Abraham Philip

D2- By- Adv. Joson Manavalan
Adv. K.R Sreenivasan.

This Suit having been finally heard on 14.01.2026 and this court on 19.01.2026 delivered the following:

JUDGMENT

The suit is instituted by the plaintiff State seeking declaration of title, recovery of possession, permanent prohibitory injunction and future damages in respect of the plaint schedule properties described as items Nos.1 and 2. The plaintiff asserts that the suit properties form part of Government land and continue to vest with the State. According to the

plaintiff, the defendants are in unauthorised and illegal occupation of the said lands. It is pleaded that the defendants have no lawful right, title or interest over the properties. The plaintiff further alleges that the defendants are attempting to alienate the lands and commit waste therein. On these assertions, the plaintiff seeks the reliefs prayed for in the suit.

2. The plaintiff pleads that the plaint schedule properties were conveyed under Sale Deed No.2329/2005 dated 01.08.2005 of the Sub Registrar Office, Erumely. The said deed was executed by the 2nd defendant in favour of the 1st defendant Trust, then known as Gospel for Asia. The properties are described in the sale deed as “Cheruvally Rubber Estate”. Item No.1 of the plaint schedule is stated to be situated in Erumely South Village, while Item No.2 is situated in Manimala Village. The sale deed refers only to an earlier Indenture No.1600 of 1098 ME (1923) registered at the Sub Registrar Office, Kollam. The plaintiff pleads that no other prior title deeds are disclosed in the sale deed.

3. According to the plaintiff, the Indenture of 1923 and the sale deed of 2005 do not disclose the nature of the lands conveyed. The plaintiff alleges that the 1923 indenture is fictitious and fabricated. It is pleaded that the extent covered under the 2005 sale deed is about 2263

acres, which is far in excess of the ceiling limit prescribed under the Kerala Land Reforms Act, 1963. The plaintiff asserts that the defendants have taken inconsistent stands regarding the derivation of title. It is alleged that the defendants later relied on pattas, purchase certificates and sale deeds of 1947, though such documents are not referred to in the 2005 sale deed. According to the plaintiff, these inconsistencies reveal fraud and illegality in the claim of the defendants.

4. The plaintiff pleads that the survey numbers, extents and locations mentioned in the documents relied on by the defendants do not tally with one another. It is asserted that the defendants have not clearly identified the lands covered under pattas, purchase certificates or sale deeds. The plaintiff contends that such vague and sweeping claims are made only to cover up unlawful occupation of Government land. According to the plaintiff, the absence of clear correlation between documents and property renders the defendants' claim unreliable. The plaintiff further pleads that the alleged pattas and purchase certificates relate only to small extents and cannot justify title over the vast estate. Hence, the plaintiff asserts that the defendants' claim lacks legal foundation.

5. The plaintiff places reliance on the Settlement Register of 1910. It is pleaded that Survey Nos.357 and 368 are shown therein as special Government lands. The plaintiff asserts that all sub-divisions of Survey No.357 are described as Government property in the settlement register. According to the plaintiff, the defendants have not produced any document evidencing lawful transfer of title from the Government. It is pleaded that revenue entries alone cannot divest the Government of its title. The plaintiff therefore contends that the lands covered under the plaint schedule continue to vest in the State.

6. It is further pleaded that pattas allegedly issued in the years 1935 and 1942 are illegal and void. The plaintiff asserts that under the Government Land Assignment Regulations then in force, foreign companies were not eligible to obtain assignment of Government land. It is also pleaded that the maximum extent assignable by a Tahsildar was limited to five acres. According to the plaintiff, the pattas relied on by the defendants were issued in excess of statutory authority. The plaintiff further contends that the lands covered by such pattas are not even included in the 1923 indenture. Hence, the plaintiff pleads that the defendants cannot rely on these documents to claim title.

7. The plaintiff alleges that the defendants violated the provisions of the Kerala Land Reforms Act, 1963. It is pleaded that the defendants and their predecessors failed to file mandatory declarations before the Land Tribunal. According to the plaintiff, no valid plantation exemption could have been granted without compliance with statutory procedures. The plaintiff asserts that excess land held beyond the ceiling limit vested in the Government by operation of law. It is further pleaded that any recognition of exemption without proper proceedings is without jurisdiction. On this basis, the plaintiff claims paramount title over the plaint schedule properties.

8. The plaintiff further pleads that the predecessors of the defendants were foreign companies. According to the plaintiff, such companies were not legally entitled to hold or transfer immovable property in India. It is alleged that the transactions violated the provisions of the Foreign Exchange Regulation Act and allied laws. The plaintiff asserts that no permission was obtained from the Government of India or the Reserve Bank of India. The plaintiff also challenges the alleged amalgamations and name changes relied on by the defendants. Hence, the plaintiff pleads that the entire chain of title is legally defective.

9. The plaintiff refers to proceedings initiated under the Kerala Land Conservancy Act. It is pleaded that a Special Officer passed an order in 2015 holding that the lands could be proceeded against as Government lands. Though the said order was later set aside by the High Court on the ground of lack of jurisdiction, liberty was granted to the plaintiff to approach the civil court. The plaintiff relies on the observations made by the Special Officer and Vigilance authorities. According to the plaintiff, those findings support the State's claim of title. The present suit is stated to have been filed pursuant to such liberty.

10. The plaintiff further pleads that the 1st defendant Trust is not entitled to claim plantation exemption. It is asserted that the objects of the Trust are religious and charitable in nature and not agricultural. According to the plaintiff, large portions of the estate are abandoned or converted to non-plantation use. Such acts, it is pleaded, disentitle the defendants from claiming any statutory protection. The plaintiff asserts that the lands therefore vest in the Government. On these pleadings, the plaintiff seeks declaration of title, recovery of possession, injunction and damages.

11. The defendants, in their written statement, deny all material allegations in the plaint. They contend that the suit is not

maintainable either in law or on facts. According to the defendants, the suit is filed with mala fide intention and political motivation. They assert that their predecessors have been in possession and enjoyment of the Cheruvally Estate for more than a century. The defendants claim lawful title and settled possession over the entire estate. They allege that the Government is attempting to harass them through repeated litigation.

12. The defendants plead that the Indenture of 1923 is genuine, valid and binding. They contend that the original document was summoned and examined by the High Court in earlier proceedings. According to them, the High Court found prima facie title in their favour. The defendants deny the allegation that the document is fictitious or fabricated. They assert that the estate has always been treated as a single, well-demarcated holding. The defendants contend that the allegations of fraud are vague and unsupported by particulars.

13. The defendants plead that their predecessors acquired jenmam rights under registered sale deeds of 1947. They contend that these documents perfected their title over the estate. According to them, the non-mentioning of these deeds in the 2005 sale deed does not affect the validity of their title. They assert that boundary descriptions prevail over minor discrepancies in survey numbers or extent. The defendants

deny that pattas or purchase certificates relied on by them are illegal. They contend that all such documents were lawfully issued by competent authorities.

14. The defendants place reliance on proceedings before the Taluk Land Board, Vythiri. They plead that ceiling returns were filed and adjudicated in the year 1982. According to them, the entire holding was treated as exempted plantation land. They assert that the Government unsuccessfully challenged those proceedings before the High Court. Hence, the defendants contend that the issues relating to ceiling and exemption stand concluded. They further plead that the present suit is barred by res judicata and issue estoppel.

15. The defendants plead that the settlement register is only a revenue record and does not confer or extinguish title. They rely on the 1040 ME Proclamation to contend that lands vested with occupants. According to them, the Government has failed to plead or prove any title document in its favour. The defendants assert that the plaintiff cannot succeed by merely pointing out alleged defects in the defendants' title. They further contend that the findings of revenue authorities have no binding effect on civil courts. Hence, they deny the plaintiff's claim of Government ownership.

16. The defendants raise the plea of limitation and adverse possession. They plead that even assuming Government title, the same has been extinguished by long, continuous and hostile possession. According to them, the estate has been openly possessed for more than the statutory period. The defendants contend that the suit is hopelessly barred by limitation. They further plead that the plaintiff has not sought cancellation of the title deeds relied on by the defendants. Hence, they contend that the suit is barred under Section 34 of the Specific Relief Act and liable to be dismissed.

17. From the above pleadings, the following issues were framed by my predecessor in office:-

1. Is the suit barred by limitation ?
2. When the plainifff is having title and interest over to plaint scheudle proeprties ?
3. Whether the plaintiff is entitled to get the declaration as prayed for ?
4. Whether the plaintiff is entitled to recover possession of the plaint scheudle proeprties for the defendants?
5. Whether the plaintiff is entiteld to get a prohibitory injunction as prayed for ?
6. Whether the plaintiff is entitled to get the future

damage as claimed?

7. Reliefs and costs.

18. Discussion and Appreciation of Oral and Documentary Evidence. After the issues were framed, the plaintiff examined PW1 and PW2 and marked Exhibits A1 to A27, while the defendants examined DW1 and produced Exhibits B1 to B65. The documentary evidence adduced by both sides is voluminous and spans a long historical period, comprising settlement registers, revenue records, administrative proceedings, writ court orders, tax receipts, pattayams, registered sale deeds, supplementary deeds, plantation tax records, survey plans, Gazette notifications and related materials. On the plaintiff's side, the principal reliance is placed on the Settlement Registers and connected revenue documents to contend that the suit properties are Government lands, whereas the defendants rely on registered title deeds, long-standing possession, tax payments, statutory proceedings and judicial orders to substantiate their claim. The oral testimony of PW1, supported by the proof affidavit, broadly reiterates the plaintiff's case that the defendants' title is incorrect and that the properties belong to the Government; however, the affidavit does not contain any specific averment or factual particulars alleging fraud, forgery or fabrication in respect of any of the

defendants' documents. No evidence, either oral or documentary, has been adduced by the plaintiff to demonstrate the manner in which any of the registered deeds or pattayams relied on by the defendants were brought into existence fraudulently. The defendants have specifically contended that, in the absence of pleadings and proof regarding fraud, mere denial of title or challenge to the correctness of documents cannot invalidate documents of antiquity that have been acted upon by revenue and statutory authorities over decades. The evidence, therefore, requires to be appreciated issue-wise, keeping in mind the settled legal principle that allegations of fraud must be specifically pleaded and strictly proved, and that title disputes cannot be resolved solely on the basis of revenue entries without examining their legal effect in the light of the documentary chain and surrounding circumstances.

19. Appreciation of oral evidence.

A. Evidence of PW1 – Deputy Collector (Land Revenue)

Authority, Role, and Scope of Testimony.

1. PW1 was examined as the principal witness for the plaintiff State to substantiate the claim of Government ownership over the plaint schedule properties. She stated that she is presently working as

Deputy Collector (Land Revenue) and is handling the file relating to the suit. PW1 asserted that she had acquainted herself with the facts of the case by reading the plaint, examining available records, and conducting a site visit. The plaintiff relied on PW1 to establish administrative knowledge and official position, contending that her testimony represents the stand of the District Collector. PW1's evidence is therefore required to be examined with reference to her authority, source of knowledge, and extent of personal involvement. These aspects are crucial in assessing the probative value of her testimony.

2. In cross-examination, PW1 candidly admitted that she had not produced any written authorisation empowering her to depose on behalf of the District Collector. She further admitted that she did not prepare the plaint, nor was she involved in initiating the proceedings. Her knowledge of the case was admittedly derived from post-litigation perusal of records. While an official witness is not necessarily required to have prepared the plaint, absence of written authorisation assumes relevance where sweeping assertions of title are made. This admission limits the evidentiary weight of her testimony insofar as it purports to speak conclusively for the plaintiff.

Site Inspection and Identification of Property

3. PW1 stated that she inspected the property towards the end of December 2024. However, she admitted that her inspection was only peripheral and that she did not undertake a detailed demarcation or correlation exercise. She specifically admitted that no attempt was made to identify the property with reference to Document No.1500 of 1923 or other title documents. PW1 further admitted that the boundaries mentioned in the documents were not clear to her. These admissions are significant, as the plaintiff seeks declaration of title over a large extent of land, which necessarily requires precise identification. A peripheral inspection without correlation to title documents does not advance the plaintiff’s case.

4. PW1 further admitted that important boundary features relied upon by the plaintiff, such as the Manimala River and estate roads, were not seen touching or traversing the property during inspection. She admitted that Karithode stream alone was seen on the eastern side. She also admitted that she did not observe active religious worship in the structures noticed. These statements weaken the plaintiff’s attempt to rely on physical features to identify the land as Government property. Identification of land based on vague or uncertain physical markers cannot sustain a decree for declaration and recovery.

Admissions Regarding Possession and History

5. PW1 admitted that the property came into the possession of the second defendant as early as 1923, and that she was unaware of any dispute raised by the Government at that time. She further admitted that the Government did not dispute possession when the property remained with the second defendant. These admissions are of great significance, as they demonstrate prolonged acquiescence. The plaintiff's contention that the land was always Government land is inconsistent with this admission. Long silence on the part of the State weakens its present assertion of title.

6. PW1 also admitted that she did not know who owned the property prior to 1923. She further admitted that documents of 1947 were noticed in High Court proceedings. Her testimony reveals lack of knowledge of the historical chain of title prior to litigation. In a suit of this nature, where the State seeks to dislodge century-old possession, such lack of historical clarity is fatal. Oral evidence unsupported by contemporaneous assertion cannot override registered documents.

Land Reforms Proceedings and Exhibit B1

7. PW1 admitted the existence of Taluk Land Board and Zonal Land Board proceedings relating to the property. She admitted that

Exhibit B1 records possession of the land by Harisons Malayalam Ltd. and that exemption was granted. She further admitted that the Government did not challenge the Land Board order. While PW1 attempted to state that Exhibit B1 does not mention ownership, this admission is legally immaterial. Recognition of possession by a statutory authority contradicts the plaintiff's plea that the land is Government land in unauthorised occupation.

8. PW1 expressed ignorance as to whether the Government was a party to CRP No. 3661 of 1982. She further admitted that no proceedings were initiated to seize the land while it was in the possession of the second defendant. These admissions indicate that the State accepted the statutory outcome and acted upon it. The plaintiff cannot now take a stand inconsistent with its own conduct and statutory acquiescence. PW1's evidence, therefore, materially supports the defendants' case on this aspect.

Mutation, Revenue Action, and Delay

9. PW1 admitted that mutation was cancelled only after surplus land proceedings were initiated. She further admitted that the first defendant preferred revision against such cancellation. She admitted that the Government did not dispute the character of the land as

Government land prior to such proceedings. These admissions clearly demonstrate that the present claim arose only after administrative developments, not from historical assertion of ownership. A cause of action founded on belated administrative opinion cannot sustain a civil decree.

B. Evidence of PW2

10. PW2 was examined to support the plaintiff’s reliance on settlement registers and historical revenue records. She admitted that he first became aware of the case only in September 2024. She further admitted that she had not examined original settlement registers or archival records personally. Her knowledge was derived from copies supplied by subordinates. These admissions substantially limit the probative value of her testimony on historical ownership.

11. PW2 admitted that the settlement register copies produced in court do not bear dates, seals, or the name of the certifying authority. She conceded that she did not know who visited the archives or when. She further admitted that she had not examined the preface or methodology of settlement preparation. These admissions undermine the plaintiff’s attempt to treat settlement registers as conclusive proof of title.

Without verification of authenticity and context, such records cannot displace registered conveyances.

Pattom Proclamation and Pandaravaka Land

12. PW2 admitted that she had read about the Pattom Proclamation but had not examined its continued legal effect. She admitted that Pandaravaka pattam refers to land leased by the Government. However, she could not state with certainty whether the entries relied upon constituted lease, grant, or absolute estate. This uncertainty is significant, as the plaintiff's case hinges on the legal effect of Pandaravaka entries. Oral uncertainty cannot substitute legal proof.

Registration and Foreign Ownership

13. PW2 admitted that there was no prohibition on foreign companies acquiring land in Travancore at the relevant time. She further admitted that if a document was registered after payment of fees, it implied acceptance by the registering authority. She admitted that she had not investigated the registration of Document No. 1600 of 1923. These admissions directly negate the plaintiff's argument that the indenture deed was inherently illegal. Registration carries a presumption of legality unless set aside.

Revenue Records and Jamabandhi

14. PW2 admitted that jamabandhi inspections are conducted annually to verify revenue records. She admitted that tax was being collected from the defendants or their predecessors. She further admitted that no corrective action was taken for decades. This evidence demonstrates prolonged official recognition of private possession. The plaintiff's attempt to characterise such recognition as mistake is inconsistent with statutory verification mechanisms.

C. Evidence of DW1 – Defendants' Witness

Continuity of Possession and Title

15. DW1 was examined to establish the defendants' case of long-standing possession and lawful title. He stated that the estate has been in continuous possession and cultivation since the early twentieth century. He explained the chain of title and statutory proceedings coherently. Despite lengthy cross-examination, his evidence regarding possession and identity of the estate remained unshaken. His testimony finds strong corroboration from documentary evidence.

16. DW1 denied allegations of forgery and manipulation. He pointed out that no competent court has declared any document forged. He admitted the existence of statutory proceedings but clarified that the

defendants relied on exemption orders, not purchase certificates. His evidence was consistent and aligned with records. No material contradiction was elicited.

20. Appreciation of documentary evidence.

A. Documentary Evidence Adduced by the Plaintiff. Settlement Registers and Revenue Records (Exts.A1 to A3, A15 to A17)

1. The plaintiff relies primarily on Exts.A15 to A17, being copies of settlement registers, to contend that the plaint schedule properties are Pandaravaka lands belonging to the State. According to the plaintiff, these registers were prepared during the Travancore period and constitute authoritative records of land ownership. It is argued that entries showing Pandaravaka pattam conclusively establish that the jenmom right vested in the sovereign. The plaintiff submits that such entries negate the possibility of private ownership unless supported by an express Government grant. Considerable emphasis was laid on the antiquity of these records and their official origin. The plaintiff therefore contends that these documents form the foundation of Government title.

2. It is well settled that entries in settlement registers or revenue records do not, by themselves, confer title or extinguish private

ownership. At best, they raise a rebuttable presumption regarding possession or classification. In the present case, the plaintiff has not produced any contemporaneous act of ownership, such as assertion of possession, collection of rent, or exercise of control, corresponding to the settlement entries. On the contrary, subsequent revenue records reflect continuous recognition of private possession. Therefore, Exts.A15 to A17, though relevant, are insufficient to establish the plaintiff's title in the absence of corroborative evidence.

Puramboke, Thandapper, and Basic Tax Registers (Exts.A21 to A23, A26, A27)

3. The plaintiff also relies on Exts.A21 to A23, being thandapper and puramboke registers, along with the Basic Tax Register and survey records, to support its claim. It is contended that these registers demonstrate that the land is Government land or was wrongly mutated in favour of private parties. The plaintiff argues that erroneous entries made by subordinate officials cannot bind the State. These documents are relied upon to show that the Government never intended to divest itself of ownership. The plaintiff submits that revenue officials committed mistakes which came to light only upon recent scrutiny.

4. On careful scrutiny, this Court finds that these documents do not advance the plaintiff's case in the manner suggested. PW1 admitted that changes in ownership after settlement are reflected only in supplementary registers and that the original settlement register remains static. He further admitted that jamabandhi inspections are conducted annually to verify revenue entries. Despite such inspections, no corrective action was taken for decades. The continued existence of thandapper accounts and tax assessment in the name of the defendants or their predecessors indicates official recognition rather than mistake.

5. Revenue records are primarily maintained for fiscal purposes and are subject to correction through prescribed procedures. If the entries were indeed erroneous, the plaintiff ought to have initiated timely rectification proceedings. The long inaction on the part of the State, despite annual verification mechanisms, militates against the theory of inadvertent error. These documents, therefore, do not establish Government title but rather demonstrate prolonged administrative acquiescence.

Administrative Proceedings and Orders (Exts.A4 to A6, A18 to A20)

6. The plaintiff further relies on Exts.A4 to A6 and A18 to A20, being reports and proceedings of revenue authorities, to contend that official scrutiny revealed illegality in the defendants' claim. These documents record objections, internal correspondence, and administrative findings questioning the defendants' title. The plaintiff submits that these proceedings justify reopening the issue of ownership. It is argued that the State is entitled to correct historical wrongs when illegality is discovered. These documents are projected as evidence of Government assertion of ownership.

7. This Court finds that these documents are internal administrative records reflecting suspicion and opinion rather than adjudication. None of these proceedings culminated in cancellation of any registered document or declaration of Government title. Several such proceedings were challenged before the High Court and were stayed or set aside. Administrative doubt or inquiry cannot, by itself, displace vested civil rights. These documents, therefore, have limited probative value and cannot form the basis for declaring title in favour of the plaintiff.

Writ Proceedings and Judicial Orders (Exts.A9 to A14)

8. The plaintiff has produced copies of pleadings and orders in writ proceedings to contend that the issue of Government ownership has been judicially recognised. It is argued that observations made by the High Court lend support to the plaintiff's claim. The plaintiff relies on these documents to show that disputes regarding the property have been raised before constitutional courts. According to the plaintiff, these proceedings reflect serious doubts about the defendants' title. These documents are urged as corroborative evidence.

9. On examination, this Court finds that the writ proceedings primarily dealt with administrative action, mutation, and statutory compliance. None of the writ orders declared title in favour of the State. It is well settled that writ jurisdiction is not the forum for adjudication of disputed title. Observations made in such proceedings cannot substitute findings in a properly constituted civil suit. Therefore, Exts.A9 to A14 do not establish the plaintiff's title and cannot override registered conveyances.

B. Documentary Evidence Adduced by the Defendants

Indenture Deed and Early Conveyances (Exts.B49, B54, B4, B5)

10. The defendants rely on Ext. B49, the indenture deed of 1923, as the root of their title. This document evidences transfer of a defined estate through a registered instrument. The defendants contend that the document was registered in accordance with the law prevailing at the time. Subsequent sale deeds of 1947 further demonstrate continuity of title. These documents have been acted upon for decades without challenge.

11. The plaintiff alleges that the indenture deed is forged and fabricated. However, forgery is a serious allegation requiring strict proof. The plaintiff has not sought expert examination, nor initiated proceedings for cancellation. The document is more than thirty years old and attracts the presumption under Section 90 of the Evidence Act. In the absence of rebuttal by cogent evidence, this Court is bound to presume due execution. Mere suspicion or administrative doubt cannot displace this presumption.

Pattas and Revenue Recognition (Exts.B50, B51, B55, B56)

12. The defendants produced pattas and related revenue documents issued in the 1920s and 1930s. These documents show that the Government itself recognised private holding and enjoyment of the

land. The plaintiff attempted to attack these documents as forged, but PW2 admitted that no civil proceedings were initiated to invalidate them. The existence of these pattas is inconsistent with the plaintiff's theory of uninterrupted Government ownership. These documents strongly support the defendants' claim of recognised possession.

Statutory Proceedings under Kerala Land Reforms Act (Ext.B1)

13. Ext.B1 is the exemption order passed by the Taluk/Zonal Land Board under Section 85A of the Kerala Land Reforms Act. This order was passed after verification, objections, and reports of authorised officers. PW1 admitted that the declarant was recognised as the person in possession and that exemption was granted accordingly. The plaintiff did not challenge this order in any forum. Though Ext.B1 does not confer title, it recognises lawful possession and extent.

14. The plaintiff contended that Ext.B1 cannot defeat Government title. While this proposition is legally correct, it does not assist the plaintiff in the present case. The plaintiff seeks relief inconsistent with Ext.B1 without seeking its annulment. A quasi-judicial

order remains binding until set aside. The plaintiff cannot collaterally impeach Ext.B1 in a civil suit. This document therefore operates as a significant obstacle to the plaintiff's claim.

Tax Receipts, Plantation Records, and Continuous Possession (Exts.B6 to B22)

15. The defendants have produced extensive tax receipts, plantation records, and correspondence spanning several decades. These documents show continuous cultivation, payment of land revenue, and recognition by statutory bodies such as the Rubber Board. The plaintiff argued that tax payment does not confer title. While this is correct, such documents are strong evidence of possession and official recognition. When viewed cumulatively, they corroborate the defendants' plea of long-standing, open, and peaceful possession.

Judicial Orders and Amalgamation Records (Exts.B23 to B36)

16. The defendants produced judgments and orders of the High Court and Supreme Court relating to statutory proceedings and corporate amalgamation. These documents show that the defendants' status and transactions were scrutinised by superior courts. None of these orders declare the defendants' documents illegal or forged. On the

contrary, they demonstrate that statutory and judicial authorities consistently dealt with the defendants as lawful holders. These documents lend further credibility to the defendants' case.

On an overall assessment, the oral and documentary evidence placed by both sides disclose rival claims based on different categories of records. The evidence adduced by the plaintiff and the defendants must therefore be tested against settled principles of law governing title, revenue records, statutory presumptions, limitation, and maintainability. The probative value of the evidence is accordingly assessed only to the extent necessary for deciding the issues framed, without recording final conclusions at this stage.

21. Discussion and analysis - Scope of Adjudication, Judicial Approach, and Methodology.

1. Scope of the Present Adjudication. The discussion and analysis in this suit necessarily commence with a clear understanding of the scope of adjudication before this Court. The plaintiff–State seeks declaration of title and recovery of possession over vast extents of land, asserting that the properties are Government lands despite the defendants being in long, uninterrupted possession under registered documents and

statutory proceedings. The defendants resist the suit by relying on historical conveyances, statutory purchase certificates, revenue recognition, and binding findings of the Hon'ble High Court in a connected writ petition. The dispute therefore transcends a mere factual controversy and raises substantial questions of law touching upon land tenure, statutory transformation of rights, limitation, and maintainability. This Court is duty-bound to address each of these aspects in a structured and comprehensive manner. The adjudication cannot be confined to a narrow examination of any single document such as the Settlement Register or a registered sale deed. Rather, the Court must examine the entire historical, statutory, and factual matrix governing the lands in question. This includes the nature of tenure under the erstwhile princely State, the effect of royal proclamations, the impact of post-Constitutional land reform legislation, and the legal consequences of long-standing State conduct. Therefore, this Court adopts a holistic approach consistent with settled judicial principles.

2. Nature of the Plaintiff's Burden in a Title Suit by the State - In a suit where the State asserts title over land in the possession of private parties, the burden on the plaintiff is qualitatively different from

that in disputes between private individuals. While it is true that the State is not required to prove title in the same manner as a private party claiming under a conveyance, it must nevertheless establish a subsisting legal right to the property as on the date of suit. The State cannot succeed merely by showing historical ownership if such ownership has been extinguished by operation of law. Courts have repeatedly held that sovereign title is also subject to statutory divestment and constitutional limitations. The plaintiff's case is founded primarily on the premise that entries in the Settlement Register describing the lands as 'Pandarapattom' imply continuing Government ownership. This premise itself requires careful legal scrutiny. The Court must examine whether such historical entries can survive the combined effect of royal proclamations, land reform statutes, and statutory exemption orders. The burden thus lies on the plaintiff to demonstrate not only original ownership, but also the continuance of title in spite of these transformative legal developments. Failure to discharge this burden would be fatal to the suit.

3. Judicial Discipline in the Light of the Connected High Court Judgment (Ext.B65). A significant feature of the present case is the existence of a detailed judgment rendered by the Hon'ble High Court of

Kerala in Harisons Malayalam Limited v. State of Kerala, 2018 (2) KLT 369 a connected writ petition involving substantially similar issues, documents, and parties. Though rendered in writ jurisdiction, the judgment contains authoritative pronouncements on questions of law relating to Pandarapattom tenure, statutory conversion of rights, and the State's inability to ignore registered documents and statutory orders without due process. This Court is conscious that the writ judgment may not operate as res judicata in the strict sense. Nevertheless, it is binding on questions of law and carries great persuasive value on mixed questions of law and fact. Judicial discipline requires that a subordinate court must give due weight to such findings and cannot arrive at conclusions directly contrary to the law declared by the High Court. The present judgment, therefore, proceeds on the principle that while factual distinctions may be examined, the legal framework articulated by the High Court cannot be disregarded. This Court therefore expressly integrates the High Court's findings into its analysis.

4. Methodology Adopted by This Court. In order to ensure clarity and coherence, this Court proposes to analyse the issues in a logical sequence rather than strictly following the order in which they

were framed. The analysis will commence with the historical nature of the land tenure and the effect of royal proclamations. Thereafter, the evidentiary value of the Settlement Register and registered documents will be examined. The Court will then consider the State's conduct as reflected in revenue records and statutory proceedings. Only after analysing the substantive rights will the Court turn to the questions of limitation, constructive notice, and maintainability under the Specific Relief Act. This approach is necessitated because limitation and maintainability cannot be assessed in isolation from the nature of the rights claimed and the documents sought to be ignored. Finally, the cumulative effect of all these factors will be assessed to determine whether the plaintiff has made out a legally sustainable case. This structured methodology ensures that the judgment addresses every contention raised by both sides in a reasoned and transparent manner.

22. Effect of the Connected High Court Judgment in the Writ Petition (Ext.B65).

1. Relevance of the Connected Writ Judgment to the Present Suit. The existence of a connected writ judgment of the Hon'ble High Court of Kerala assumes central importance in the present adjudication. The writ petition arose from disputes concerning the very same lands,

documents, and competing claims of the State and the defendants' predecessor-in-interest. The High Court undertook an elaborate examination of the historical tenure, statutory developments, and the conduct of the State over several decades. Though the Hon'ble High Court ultimately refrained from granting a declaration of title, it rendered clear and reasoned findings on questions of law that directly bear upon the present suit. This Court cannot treat those findings as incidental or irrelevant. It is settled law that while findings in writ proceedings may not always operate as res judicata in a subsequent civil suit, they are nevertheless binding on questions of law declared therein. Subordinate courts are constitutionally obliged to follow the law laid down by the High Court. Any departure is permissible only if the case is factually distinguishable or if the High Court itself has left the question expressly open. Therefore, before embarking upon an independent assessment, this Court must first ascertain the precise scope and ratio of the writ judgment.

2. What the High Court Decided – And What It Did Not. A careful reading of the writ judgment shows that the High Court did not adjudicate title in the strict sense. It did not declare the defendants or their predecessor as owners nor did it issue a decree extinguishing the

State's title. However, the High Court categorically addressed the legal foundation on which the State sought to assert ownership. In doing so, the Court analysed the nature of Pandarapattom lands, the effect of royal proclamations, and the statutory consequences flowing from land reform legislation. These findings were not obiter dicta but formed the core reasoning of the judgment. Equally important is what the High Court declined to accept. The Court expressly rejected the State's contention that mere entries in the Settlement Register could, by themselves, sustain a claim of continuing Government ownership after decades of statutory and administrative developments. The High Court also rejected the notion that the State could simply brand registered documents and statutory certificates as fraudulent or void without initiating proceedings to annul them. These legal conclusions directly undermine the foundational premises of the present suit.

3. Pandarapattom Tenure and the High Court's Legal Findings. One of the most significant aspects of the writ judgment is its treatment of Pandarapattom tenure. The High Court held that Pandarapattom lands answer the description of lands held under ryotwari settlement and fall within the definition of "estate" for constitutional purposes, as explained in Rev. Fr. Victor Fernandez v. State of Kerala,

1971 KHC 1. The Court further held that by virtue of the Royal Proclamation of 1040 M.E., pattom holders of Sircar lands were conferred full proprietary rights. This conversion was not symbolic but substantive, extinguishing the jennomic interest of the State.

The High Court went on to hold that subsequent statutory developments, particularly the Kerala Land Reforms Act, reinforced this transformation by liberating tenants from all residual burdens and by vesting absolute title in them upon issuance of purchase certificates. These findings have far-reaching implications. If Pandarapattom tenure stood converted into absolute ownership long prior to the institution of the suit, the State's claim of subsisting title becomes legally untenable. This Court is bound to give full effect to this legal position.

4. Effect of the High Court's Findings on the State's Conduct. Another crucial aspect of the writ judgment is its examination of the State's own conduct over time. The High Court noted that the State had registered the documents relied upon by the defendants' predecessor, effected mutations, accepted land tax and participated in ceiling proceedings. Such conduct, extending over several decades, was held to be inconsistent with a belated assertion of Government title. While

reiterating that there is no estoppel against statute, the High Court emphasised that the State cannot approbate and reprobate. The High Court thus placed a clear legal restraint on the State's ability to revive jennomic claims without first undoing its own statutory and administrative acts. This Court finds that these observations are directly relevant to the present suit, where the State seeks to ignore precisely those documents and proceedings which it earlier recognised. The plaintiff has not initiated any proceedings to cancel or set aside the registered deeds, purchase certificates, or pattas. In the absence of such action, the writ judgment squarely militates against the plaintiff's claim.

5. Whether the Writ Judgment Is Distinguishable. The plaintiff attempted to argue that the writ judgment is distinguishable, contending that the High Court left the issue of title open and that the present suit affords an opportunity for a fresh adjudication. This Court is unable to accept that contention in the broad manner in which it is advanced. While it is true that the writ court did not pronounce a decree of title, it conclusively determined the legal framework within which any such title claim must be assessed. A civil court cannot reopen or dilute

those legal conclusions under the guise of an independent factual enquiry.

Unless the plaintiff demonstrates that the lands in question fall outside the scope of the Pandarapattom tenure recognised by the High Court or are excluded from the operation of the relevant proclamations and statutes, the writ judgment remains fully applicable. No such distinguishing material has been produced. Therefore, this Court holds that the connected writ judgment has a substantial and adverse bearing on the plaintiff's case and must be given due weight in deciding the present suit.

23. Historical Tenure: Jenmom**,** Pandarapattom, and the Royal Proclamations.

1. Concept of Jenmom and Its Historical Incidents. The concept of Jenmom represents the proprietary or lordship right over land as understood in the erstwhile princely States of Travancore and Cochin. Historically, Jenmom rights could vest in private jenmies as well as in the Sircar, the latter being the largest jenmi by extent. However, Jenmom rights were not immutable; they were subject to alteration by sovereign acts, proclamations, and later by legislative interventions. The incidents of Jenmom included the right to receive rent and to enforce conditions

attached to tenure. Crucially, Jenmom did not necessarily imply absolute dominion immune from statutory transformation. Courts have consistently recognised that historical concepts of land tenure must be understood in the context of the legal regime prevailing at the relevant time. With the advent of modern constitutional governance and land reform legislation, feudal incidents of Jenmom were progressively dismantled. Therefore, any present-day assertion of jenmom rights must demonstrate that such rights survived subsequent proclamations and statutes. Mere historical ownership, without proof of survival, is insufficient to sustain a contemporary title claim. This principle informs the analysis of Pandarapattom tenure.

2. Nature and Legal Character of Pandarapattom. Pandarapattom (also referred to as pandaravakapattom or sircarpattom) denotes lands held under pattom tenure from the Sircar. Though the nomenclature suggests a pattom arrangement, the legal character of such lands underwent significant transformation. Judicial pronouncements have clarified that Pandarapattom lands answer the description of lands held under ryotwari settlement. In Rev. Fr. Victor Fernandez v. State of Kerala (1971 KHC 1), it was held that such lands fall within the definition of “estate” for the purposes of Article 31A of the Constitution.

This classification has important constitutional and statutory consequences. Once Pandarapattom lands are understood as ryotwari in nature, the implications are clear. The tenure conferred substantial rights on the holder, subject initially to certain obligations. Over time, these obligations were progressively extinguished by sovereign acts. Therefore, Pandarapattom cannot be equated with a precarious or revocable licence. Any analysis that treats Pandarapattom merely as permissive occupation under continuing Government ownership fails to appreciate its evolved legal character.

3. Royal Proclamation of 1040 M.E. and Its Legal Effect. The Royal Proclamation of 1040 M.E. marks a watershed in the evolution of land rights in Travancore. By this proclamation, the sovereign expressly converted all pattom holdings on Sircar lands into full proprietary holdings, subject to payment of assessment. The proclamation was not a temporary administrative measure but a permanent transformation of tenure. Courts have consistently held that the proclamation conferred absolute rights on the pattom holders, extinguishing the residual jenmom interest of the Sircar. The legal effect of the 1040 M.E. Proclamation has been recognised and reiterated in multiple judicial decisions. The proclamation operated proprio vigore

and did not require individual grants or confirmations to perfect title. Once the proclamation took effect, the pattom holder's right was elevated to ownership. Therefore, any State claim predicated on the continuance of Jenmom after the proclamation must fail unless the land is shown to be excluded from its operation.

4. Cochin Settlement Proclamation and Parallel Developments. A parallel development occurred in the erstwhile State of Cochin through the Settlement Proclamation of 1080 M.E. Clause 13 of that proclamation conferred on tenants "full rights to the soil of the lands they hold." This proclamation further evidences the regional policy of dismantling feudal tenure and vesting ownership in actual cultivators. Courts have treated these proclamations as substantive law, not mere administrative guidelines. The principles underlying both proclamations are consistent and complementary. These proclamations collectively demonstrate that by the early twentieth century, the sovereign intent was to convert pattom and similar tenures into ownership. Any subsequent assertion of jenmom rights by the State must therefore be tested against this clear historical and legal backdrop. In the absence of proof that the lands in question were excluded from these proclamations, the

presumption operates in favour of conversion. The plaintiff has adduced no such proof.

5. Consequences for the Plaintiff's Theory of Title. The plaintiff's theory that Pandarapattom entries in the Exts.A15 to A17 settlement registers signify continuing Government ownership is irreconcilable with the legal effect of the royal proclamations. Once the proclamations vested ownership in the pattom holders, the Settlement Register entries lost their character as indicators of subsisting Jenmom. At best, they remain historical records of origin, not determinants of present title. Courts have repeatedly cautioned against reading historical records in isolation from subsequent legal developments. In the present case, the defendants' predecessor was in possession under Pandarapattom tenure well before the institution of the suit. By operation of the proclamations, such possession matured into ownership long prior to the twentieth century. Therefore, even assuming that the State was the original jenmi, that status did not survive the proclamations. This conclusion fatally undermines the plaintiff's foundational claim.

6. Transition from Proclamations to Statutory Regimes.

It is also significant that the proclamations were later reinforced by statutory regimes, particularly after the integration of the

princely States and the coming into force of the Constitution. Land reform legislation did not revive jenmom rights; it further eroded them. The Kerala Land Reforms Act, which will be analysed separately, proceeded on the assumption that tenancy rights were to be elevated into ownership. This legislative continuity reinforces the interpretation placed on the proclamations. Therefore, the historical trajectory of land tenure points in one direction: the extinction of feudal Jenmom rights and the vesting of ownership in actual holders. Any judicial analysis that ignores this trajectory risks perpetuating archaic notions of land law. This Court, guided by precedent and principle, declines to do so.

24. The reference in this judgment is to the Government-issued pattas and certificates of the years 1925 and 1926, marked as Exts. B-55 and B-56, and to the exemption order passed by the Taluk Land Board under Section 85A of the Kerala Land Reforms Act, marked as Ext. B-1. These documents are executive and statutory acts of the State recognising the lawful holding and enjoyment of the lands by the defendants' predecessor and exempting the lands from surrender under the ceiling provisions. The plaintiff State, while seeking declaration of title and recovery of possession contrary to the said pattas and exemption

order, has not sought cancellation or setting aside of these pattas nor any declaration that Exts.B-55 and B-56 are void or non-binding. In the absence of such foundational reliefs, the suit is hit by the proviso to Section 34 of the Specific Relief Act.

25. The learned counsel for the plaintiff contended that Exts. B-55 and B-56 are forged documents and further attacked the indenture deed and other documents produced on the side of the defendants. This Court is unable to accept the said contention in the absence of appropriate pleadings, issues, and proof. Forgery is a serious allegation which cannot be presumed or inferred merely from argument. Until a document is declared forged or invalid by a competent court or authority, it continues to operate in the eye of law. In the present suit, the plaintiff has not sought any specific relief for declaration or cancellation of Exts. B-55 and B-56 or of the other documents alleged to be forged, nor has any cogent evidence been adduced to establish such forgery. On the contrary, the Taluk Land Board, in the statutory proceedings culminating in Ext.B-1, accepted the defendants' predecessor as the lawful holder after verification by Authorised Officers, which independently negates the plaintiff's claim. The mere allegation of forgery, without foundational

relief and proof, does not enable the Court to ignore subsisting documents, and in fact reinforces the bar under the proviso to Section 34 of the Specific Relief Act.

26. Exhibit B-1 is an order passed by the Taluk Land Board under Section 85A of the Kerala Land Reforms Act in statutory ceiling proceedings initiated in respect of the lands held by the defendants' predecessor. In the said proceedings, ceiling returns were filed, the Authorised Officers conducted verification regarding the extent, identity, and nature of the lands, and reports were considered in accordance with the procedure prescribed under the Act. Upon such examination, the Taluk Land Board recorded a categorical finding that the lands in question are plantation lands and that the agricultural lands interspersed therein are necessary for the efficient management, protection, and operation of the plantation, and accordingly exempted the same from surrender under Section 2(44)(c) of the Act. Such an exemption order is a quasi-judicial determination which necessarily proceeds on the recognition that the declarant is a lawful holder of the land and that the land does not vest in the Government as surplus land. The plaintiff State, though fully aware of the said proceedings, did not challenge Exhibit B-1

in appeal or revision as provided under the Act, and the order has attained finality. In the absence of any prayer to set aside or declare invalid Exhibit B-1, the plaintiff cannot seek declaration of title or recovery of possession contrary thereto, and the suit is barred by the proviso to Section 34 of the Specific Relief Act.

27. Settlement Register: (Exts.A15 to A17) Evidentiary Value, Presumptions, and Legal Limits.

1. Nature and Purpose of Settlement Registers

The Settlement Register is a record prepared during survey and settlement operations for the purpose of assessing land revenue and identifying the nature of holdings at a given point of time. Its primary object is fiscal and administrative, not the conferment or declaration of title. While entries in the Settlement Register are relevant and admissible as public documents, they do not constitute title deeds. Courts have consistently held that such registers reflect the position as understood at the time of settlement and are subject to subsequent legal developments. Therefore, the evidentiary value of the Settlement Register must be assessed in its proper context. It is well settled that revenue records,

including settlement registers, are at best prima facie evidence of possession or classification and cannot override substantive rights created or extinguished by statute. In Narayanan Rajendran v. Lekshmy Sarojini (2009) Supreme (SC) 239, the Supreme Court reiterated that revenue entries do not confer title. This principle applies with greater force where the entries predate transformative proclamations and land reform statutes. Accordingly, the Settlement Register cannot be treated as conclusive proof of subsisting Government ownership.

2. PW1 has unequivocally admitted in his deposition that the settlement registers relied upon by the plaintiff were prepared on the basis of “kandezhuthu” and “kettezhuthu”. This admission is of considerable evidentiary significance. “Kandezhuthu” denotes a physical or surface-level inspection of the land, while “kettezhuthu” refers to information gathered from statements of local persons or interested sources. Such a process does not involve any judicial or quasi-judicial determination of title, nor does it entail an examination of registered conveyances, proclamations, or legally operative documents. Settlement registers prepared in this manner are intended primarily for fiscal administration and assessment of land revenue. They do not constitute

documents of title, nor can they, by themselves, displace or override registered deeds and long-recognised proprietary possession. The plaintiff's reliance on these registers, therefore, stands substantially weakened by the plaintiff's own evidence.

3. Temporal Limitation of Settlement Entries. Exts.A15 to A17 (Settlement Register) relied upon by the plaintiff pertains to settlement operations completed around the early twentieth century. It is undisputed that no comprehensive resettlement has taken place thereafter. Consequently, the register captures a historical snapshot rather than a dynamic account of title. Courts have cautioned against reading such static records as determinative of present rights, especially after a lapse of several decades. The longer the temporal gap, the weaker the probative force of such entries in determining current ownership. In the present case, the settlement entry describing the land as Pandarapattom predates the Royal Proclamation of 1040 M.E. and the Kerala Land Reforms Act. To treat that entry as proof of continuing Government title would amount to ignoring subsequent sovereign and legislative acts. The plaintiff has not produced any later settlement record updating or

reaffirming its alleged ownership. This omission significantly undermines the reliance placed on the Settlement Register.

4. Pandarapattom Entry and Its Legal Consequences.

The plaintiff argues that an entry describing the land as Pandarapattom necessarily implies that the Government retained jenmom rights. This argument is flawed in law. As discussed earlier, Pandarapattom tenure itself underwent transformation by virtue of royal proclamations and statutory enactments. The mere description of land as Pandarapattom in a historical register cannot be equated with proof of subsisting Government ownership after such transformation. Courts have consistently rejected attempts to read Pandarapattom entries as indicators of perpetual State title.

The Hon’ble High Court, in the connected writ judgment, expressly held that Pandarapattom lands ceased to be Government property long ago. This Court is bound by that legal position. Therefore, the Settlement Register entry, even if taken at face value, does not advance the plaintiff’s case. At best, it shows the origin of tenure, not its present legal status.

"The contention of the defendants that Exhibits A15 to A17 were produced from the Land Archives and not from the Village Office cannot, by itself, render the said documents inadmissible, as settlement registers are public records and certified copies thereof are admissible under the Evidence Act. However, the evidentiary value of such documents stands on a different footing. The plaintiff seeks to rely on these settlement extracts to establish subsisting title, but has not produced the Settlement Supplementary 'B' Register maintained in the Village Office, which alone would reflect post-settlement changes and continuity of classification. In the absence of such corroborative village-level records, Exhibits A15 to A17 can only indicate historical settlement entries and cannot, by themselves, establish present title in favour of the plaintiff."

28. Plaintiff's Contention Based on the Settlement Register of 1910. The learned counsel for the plaintiff contended that the Royal Proclamation of 1040 M.E. is not applicable to the plaint schedule properties on the ground that the Settlement Register of the year 1910 contains the description "Pandaravakapattom". It was argued that since the settlement was prepared after the promulgation of the Royal

Proclamation of 1040 M.E., the continued use of the expression “Pandaravakapattom” indicates that the land continued to vest with the Government and that the Proclamation had no application to such lands. According to the learned counsel, if the Proclamation had applied, the settlement register would have reflected absolute private ownership rather than a Pandaravaka classification. This argument was advanced as a decisive factor to exclude the applicability of the Royal Proclamation in the present case.

Judicial Analysis of the Contention - This Court is unable to accept the above contention, for more than one fundamental reason.

Firstly, the Royal Proclamation of 1040 M.E. is not rendered inapplicable merely because a settlement register prepared later continues to use the expression “Pandaravakapattom.” The Proclamation operated on the legal nature of the tenure, not on the terminology used in revenue records. The continued use of pre-existing fiscal terminology in settlement registers does not have the effect of nullifying or reversing the legal consequences of the Proclamation.

Secondly, it is well settled that settlement registers are prepared for fiscal and administrative purposes, and the terminology employed therein often reflects historical classifications, not updated legal consequences. PW2 himself admitted that settlement registers were prepared based on available records, hearsay, and prevailing descriptions. Therefore, the mere presence of the term “Pandaravakapattom” in a settlement register prepared in 1910 cannot be construed as a legal determination that the Royal Proclamation was inoperative.

Thirdly, the Royal Proclamation of 1040 M.E. extinguished the Sircar’s jenmom rights and conferred absolute proprietary rights on pattom holders. Once such legal conversion took place, the State ceased to have any residual ownership, except the right to collect land revenue. A subsequent revenue record cannot revive extinguished proprietary rights of the State by continuing to describe the land using an old tenure expression.

Fourthly, the plaintiff’s argument proceeds on the incorrect assumption that revenue terminology must always mirror changes in substantive property law. Courts in Kerala have repeatedly held that revenue entries do not create, extinguish, or revive title, and that substantive rights flow from law, not from the language used in revenue

registers. The settlement register of 1910 cannot therefore be elevated above the Royal Proclamation in determining legal rights.

Fifthly, the logical consequence of accepting the plaintiff's contention would be untenable. If mere use of the term "Pandaravaka Pattom" in post-1040 settlement registers is treated as negating the Proclamation, then the Royal Proclamation would become nugatory in practice, as revenue authorities continued to use traditional nomenclature for decades. Such an interpretation would defeat the very object of the Proclamation, which was tenant-beneficial and transformative.

29. The Royal Proclamation of 1040 Malayalam Era was a historical measure enacted in the specific context of the pattom tenure system prevailing in the erstwhile State of Travancore and was intended to operate upon pattom tenures subsisting at the time of its promulgation or created under that regime. It was neither designed nor intended to govern Government leases or grants made in the present-day statutory framework. Lands leased out or granted by the Government in contemporary times are governed by express statutory provisions, executive orders, and contractual terms, which invariably reserve title in the State and regulate possession, use, renewal, and resumption. Such

modern leases do not partake the character of pattom tenure and therefore do not attract the legal consequences flowing from the Royal Proclamation. The Proclamation cannot be construed as a perpetual or evergreen instrument capable of converting every subsequent Government lease into absolute ownership. Any claim that present-day Government leases or part-time grants stand transformed into proprietary rights by virtue of the Royal Proclamation is legally unsustainable and is accordingly rejected.

30. 1. The learned counsel for the plaintiff contended that the defendants' pleadings suffer from an internal inconsistency, inasmuch as the written statement asserts jenmom right, whereas Exts. B-4 and B-5 of the year 1947 describe the property as "Pandaravakapattom." According to the plaintiff, these two expressions do not tally and represent distinct and mutually exclusive concepts under Travancore land tenure. It was argued that a party who relies on documents describing the land as Pandaravakapattom cannot, at the same time, plead jenmom right in respect of the same property. The contention is that such inconsistency undermines the credibility of the defendants' claim to absolute ownership. This argument was pressed as a matter of pleading

inconsistency rather than as a question relating to the source of jenmom rights.

2. This Court is unable to accept the contention that the plea of jenmom right is rendered inconsistent merely because Exts. B-4 and B-5 employ the term Pandaravakapattom. The expression Pandaravakapattom, as used in historical conveyances and revenue-related documents, is primarily descriptive of the origin or category of land, and not necessarily determinative of the subsisting legal character of ownership at the time of the conveyance. The use of such terminology was common in Travancore even after significant transformations in land tenure had taken place. The Court cannot ignore the historical reality that traditional expressions continued to be used long after their legal incidents had evolved. Therefore, the presence of the term Pandaravakapattom in Exts. B-4 and B-5 does not, by itself, negate a plea of jenmom right.

3. Jenmom, in its accepted legal sense, denotes absolute proprietary right in land, irrespective of the historical route through which such ownership came to be recognised. A party pleading jenmom is asserting the present status of ownership, not necessarily the original tenure classification of the land. Exts. B-4 and B-5 are documents of

conveyance executed in 1947, evidencing transferability, alienability, and recognition of private ownership. These attributes are wholly inconsistent with a precarious or limited interest and are, on the contrary, consistent with proprietary ownership. The description of the land as Pandaravakapattom in such documents does not dilute their legal effect as conveyances of ownership rights.

4. The plaintiff's argument proceeds on an assumption that Pandaravakapattom and jenmom are rigid categories that cannot overlap or succeed one another. Such an assumption overlooks the legal evolution of land tenure in Travancore, where pattom holdings—particularly Pandaravakapattom—underwent transformation into full proprietary rights by operation of law and long-standing recognition. The continued use of the earlier tenure description in deeds did not arrest or reverse that transformation. Courts have repeatedly cautioned against treating revenue or historical descriptions as conclusive of present title. What is material is the substance of the right conveyed and recognised, not the persistence of traditional nomenclature.

5. It is also relevant to note that no plea has been raised by the plaintiff that jenmom rights can arise only by virtue of the Royal Proclamation of 1040 M.E., nor is such a contention necessary for

deciding the present issue. The question here is not the exclusive source of jenmom rights, but whether the defendants' pleadings are self-contradictory. In the absence of any legal principle mandating that the use of Pandaravakapattom terminology bars a claim of jenmom, no such inconsistency can be inferred. The pleadings and the documents must be read harmoniously and in their historical and legal context.

6. This Court therefore holds that the defendants' plea of jenmom right in the written statement does not conflict with the description of the property as Pandaravakapattom in Exts. B-4 and B-5. The two expressions operate at different conceptual levels—one describing historical tenure classification and the other asserting present proprietary status. The plaintiff's contention of inconsistency is based on a narrow and literal reading of terminology and is not supported by settled principles of land tenure jurisprudence. The contention is accordingly rejected.

31. 1. The extracted portions of the 2018 Division Bench judgment comprehensively trace the evolution, content, and legal incidents of jenmom rights in Travancore. The judgment begins by acknowledging the earlier view in Padmanabhan Govindaru Namboodiripad (AIR 1963 Ker. 86), which treated pattom holders as

perpetual lessees, and then notes its authoritative overruling by the Larger Bench in Rev. Fr. Victor Fernandez v. Albert Fernandez (1971 KHC 1). While the operative conclusion of the Full Bench stood overruled, the Division Bench rightly treated its exposition on the conceptual nature of jenmom as illuminative and still relevant. This distinction between the concept of jenmom and the legal consequences of pattom tenures is central to resolving the present controversy. The present contentions must therefore be tested against this doctrinal clarity.

2. The Division Bench makes it abundantly clear that jenmom, in its classical sense, signifies absolute proprietary right in land, historically inherent in jemnies and not derived from any grant by the State. The extracts from Sri T. Madhava Rao's Memorandum emphasise that a jenmi is fundamentally different from a landlord holding under the Sircar, inasmuch as the jenmie's title is inherent and allodial. The judgment underscores that even the Sircar itself was only one among several jenmies, albeit the largest, having acquired jenmom lands by various means such as gift, purchase, escheat, or confiscation. This historical understanding directly answers the present contention of the plaintiff that jenmom must necessarily be traced to a State act or

proclamation. Jenmom, as explained by the Division Bench, predates and exists independently of such instruments.

3. When the plaintiff contends in the present case that the defendants' plea of jenmom right does not tally with the description "Pandaravakapattom" found in Exts. B-4 and B-5, the reasoning of the Division Bench assumes particular relevance. The judgment recognises that Pandaravakapattom is a category of pattom land where the Sircar was the jenmi, and that such lands were transformed by the Royal Proclamation of 1040 M.E. into proprietary holdings of the tenants. The use of Pandaravakapattom terminology in historical documents is therefore not inconsistent with the existence of proprietary rights. The Division Bench does not treat such terminology as determinative of subsisting ownership, but as reflective of historical tenure classification.

4. The Division Bench further clarifies that the overruling of the Full Bench was confined to the finding that Pandarapattom lands fall within the definition of "estate" under Article 31A of the Constitution and were therefore subject to agrarian reform legislation. Importantly, this overruling did not dilute the exposition on jenmom lands as lands held with full proprietary rights by jenmies. The plaintiff's present contention appears to conflate these two distinct strands. The judgment

draws a clear line between jenmom lands, pandarapattom lands, and the State's limited role post-Proclamation, thereby negating any argument that the State retains residual proprietary claims merely because of historical nomenclature.

5. Paragraphs dealing with the Jemni & Kudiyan Regulation of 1071 M.E., as amended by Regulation XII of 1108 M.E., further reinforce the legal trajectory by which proprietary rights progressively shifted from jenmies to kudiyans. The Division Bench notes that these enactments laid the "ghost of the jenmi's ownership" by reducing the jenmi to a rentier and elevating the kudiyan to the status of owner. This historical account is directly relevant to the present case, as it demonstrates that ownership rights matured through legal evolution, not merely through express declarations in deeds or registers. The persistence of older expressions such as Pandaravakapattom cannot arrest or reverse this evolution.

6. The Division Bench also explains that the rights reserved to the Government after these transformations are those inherent in sovereignty—eminent domain, taxation, escheat, and confiscation—and not proprietary ownership. This reasoning squarely addresses the present attempt of the plaintiff to rely on the State's position as the "largest

jenmi" to question private title. Once jenmom rights stood extinguished or transformed by proclamations and regulations, the State could not resurrect them through administrative assertions or by pointing to terminology in old documents. The present contention, if accepted, would effectively undo the settled law declared by the Larger Bench and reiterated by the Division Bench.

7. The discussion on the Kerala Land Reforms Act in the extracted paragraphs further contextualises the issue. The Division Bench notes that the Act vested jenmom rights in the State only for the limited purpose of assignment to tenure holders, culminating in the issuance of purchase certificates. This statutory vesting was functional and transitional, not declaratory of original State ownership. The plaintiff's reliance on the absence or presence of such certificates to challenge jenmom rights must therefore be approached with caution. The Division Bench makes it clear that ownership had already crystallised by earlier legal processes, and the Act merely completed that process.

8. The reference to the Cochin Settlement Proclamation of 1080 M.E., particularly Clause 13, further strengthens the principle that tenants were conferred "full rights to the soil." The Division Bench uses this parallel history to demonstrate that proclamations across regions

operated to confer ownership on occupants, not to preserve State dominion. This comparative reasoning undermines the plaintiff's attempt to treat Pandaravakapattom as a permanent badge inconsistent with ownership. The continuity of private ownership across Travancore and Cochin regimes is a theme running through the judgment.

9. Applying the above reasoning to the present contentions, this Court finds that the plaintiff's argument that the plea of jenmom does not tally with the use of Pandaravakapattom in Exts. B-4 and B-5 is founded on a narrow and literal reading of terminology. The 2018 Division Bench judgment instructs courts to look beyond labels and to examine the legal incidents of the right claimed. When so examined, there is no inconsistency between a historical description of land as Pandaravakapattom and a present plea of jenmom right. The two operate at different conceptual levels and must be harmoniously understood.

10. In the light of the authoritative exposition contained in the 2018 Division Bench judgment, this Court holds that the present contentions of the plaintiff on jenmom rights are unsustainable. The judgment clarifies that jenmom is a concept of absolute ownership historically recognised and legally transformed through proclamations, regulations, and long-standing recognition of alienability. The use of

Pandaravakapattom terminology in historical documents does not negate or contradict a plea of jenmom right. The plaintiff's contentions, therefore, stand answered against them by the very principles enunciated in the 2018 Division Bench decision.

32. The contention advanced on behalf of the plaintiff that the Royal Proclamation of 1040 M.E. applies only to pattoms existing as on the date of the Proclamation and not to pattoms or holdings traceable to a later point of time cannot be accepted. The Proclamation was not a transaction confined to identified holders, but a sovereign declaration permanently altering the legal character of Sirkar pattom lands. The language employed in Clause 1stly, whereby the Sirkar "hereby and for ever surrenders all optional power", clearly indicates that the Proclamation operated upon the category of land itself and not merely upon the incumbents as on the date of issuance. Once the land ceased to be held at the will of the Sirkar and was placed on the footing of private, heritable and transferable property, the transformed tenure attached to the land and continued to govern all subsequent holdings carved out of or traceable to such land. The decision of the Larger Bench in Rev. Fr. Victor Fernandez v. Albert Fernandez (1971 KHC 1) authoritatively affirms that the Proclamation effected a permanent change in tenure and

that such lands thereafter answered the basic concept of “estate” either as proprietary holdings or, at the very least, as lands held under ryotwari settlement. The applicability of the Proclamation, therefore, does not depend upon the date of an individual pattom or transfer, but upon whether the land itself is traceable to Sirkar pattom lands covered by the Proclamation. The plaintiff’s attempt to confine the operation of the Proclamation to pattoms subsisting in 1040 M.E. overlooks this settled legal position and is accordingly rejected.

33. The expression “hereby and for ever” occurring in Clause 1stly of the Royal Proclamation of 1040 M.E. is of decisive interpretative significance and cannot be read in a narrow or transitory sense. The phrase is not qualified by words limiting its operation to pattoms existing as on the date of the Proclamation, nor is it linked to the identity of particular holders. On the contrary, the words “hereby” and “for ever” together denote an immediate and permanent renunciation of the Sirkar’s optional power in respect of the specified classes of pattom lands. The relinquishment declared was of the right itself, not merely of its exercise against then-existing ryots. Once such optional power was surrendered “for ever”, the Sirkar divested itself of that attribute of dominium in relation to the land category concerned.

If the construction suggested by the plaintiff were accepted, the phrase “for ever” would be rendered otiose, reducing the Proclamation to a personal concession in favour of a fluctuating class of holders. Such an interpretation is impermissible in law, particularly when construing a sovereign proclamation intended to settle land tenures and enhance security of property. The Larger Bench in Rev. Fr. Victor Fernandez v. Albert Fernandez has clarified that the Proclamation fundamentally altered the nature of Sirkar pattom lands by withdrawing the Government’s right of resumption at will and placing such lands on the footing of ryotwari or proprietary holdings. The surrender of “optional power” was thus structural and enduring, not incidental or temporary. It attached to the land and continued to govern all future dealings with it.

The plaintiff’s argument that the words “hereby and for ever” apply only to pattoms in existence at the time of the Proclamation confuses the subject of surrender with the beneficiaries of possession. The subject of surrender was the Sirkar’s optional power over the land, while the beneficiaries of possession might change over time by inheritance, transfer, or partition. Once the Sirkar divested itself of the power to treat pattom lands as resumable at will, no subsequent pattom

carved out of or traceable to such lands could revive that surrendered power. To hold otherwise would imply that the State could indirectly reclaim a right which it had expressly renounced “for ever”, a conclusion plainly inconsistent with both the text and object of the Proclamation.

This interpretation also accords with settled principles of statutory and proclamation construction, namely that words of perpetuity such as “for ever” must be given their full and natural meaning unless a contrary intention is explicitly expressed. No clause in the Proclamation reserves to the Sirkar the power to reassert optional control over future pattoms or subsequent tenures. On the contrary, Clauses 2ndly to 6thly reinforce the permanence of the transformation by recognising the lands as private, heritable and transferable property, resumable only for public purposes upon payment of full market value. The surrender of optional power was thus absolute, irrevocable and continuing.

Accordingly, this Court holds that the phrase “hereby and for ever” signifies a permanent extinction of the Sirkar’s optional rights over the classes of pattom lands specified in the Proclamation, irrespective of changes in possession or subsequent transactions. The operation of the Proclamation is land-centric and tenure-centric, not holder-centric. Any contention that seeks to confine its effect only to pattoms existing in

1040 M.E. is contrary to the express language of the Proclamation, the authoritative interpretation placed upon it by the Larger Bench, and the settled understanding of land tenure in the Travancore area. The plaintiff's submission on this point therefore stands rejected.

34. The 2018 Division Bench affirms and applies the legal principle in Rev. Fr. Victor Fernandez that the Royal Proclamation of 1040 M.E. effected a fundamental change in the legal character of Sirkar pattom lands. The Division Bench holds that the Proclamation did not merely confer ephemeral privileges on particular incumbents but altered the tenure of the land-category itself by withdrawing the Sirkar's optional power and placing such lands on the footing of private, heritable and transferable holdings. Consequently, the Court treats Pandarapattom lands as answering the basic concept of an "estate" for the purposes of Article 31A(2)(a). The ruling thus endorses the view that the Proclamation's effect is land-centric and enduring, not confined to the list of persons in occupation on the proclamation date.

2. On the specific temporal issue, the Division Bench makes clear that what matters is whether the land is traceable to Sirkar pattom land covered by the Proclamation, not the precise date on which a particular pattom or transfer occurred. If a subsequent pattom, partition,

sale, renewal or sub-division is carved out of lands whose character was transformed by the Proclamation, that subsequent holding takes its colour from the transformed tenure and is governed by the same legal regime. The Court therefore rejects any narrow construction that would confine the Proclamation's operation to pattoms in existence strictly on the date of issuance; the Proclamation's surrender of the optional power attaches to the land and governs later dealings traceable to it.

3. The Division Bench also emphasises an alternative route to the same conclusion: even if one were to analyse the Proclamation conservatively and suppose that legal dominium technically remained with the State, the factual relationship created by the Proclamation placed the holder in a position analogous to a ryotwari pattadar, and thus the land in any event falls within clause (ii) of Article 31A(2)(a) as land held under ryotwari settlement. This dual reasoning—(i) direct conferral of proprietary incidents and (ii) functional equivalence to ryotwari tenure—renders the temporal objection academic in most practical cases. In short, the 2018 ruling treats Victor Fernandez as authoritatively validating that the 1040 Proclamation governs the land-category and its subsequent legitimate derivatives, not merely the then-existing incumbents.

35. While the submissions on either side have placed considerable reliance on the pronouncement of the Division Bench of the Hon’ble High Court rendered in the year 2018, this Court is conscious of the well-settled principle that findings rendered in collateral proceedings cannot be mechanically transplanted into a civil suit without due regard to the pleadings, issues, and evidence adduced herein. The 2018 judgment, though rendered in the context of writ proceedings, undertook a detailed examination of the historical and legal character of Pandarapattom lands and the effect of the Royal Proclamation of 1040 M.E., particularly in the light of the Larger Bench ruling in Rev. Fr. Victor Fernandez. The Division Bench did not purport to adjudicate individual titles inter se parties, nor did it dispense with the necessity of examining title claims on their own factual foundation. Nevertheless, the legal exposition therein, especially on the nature of tenure, the surrender of the Sirkar’s optional power, and the enduring transformation of the land-category effected by the Proclamation, constitutes authoritative guidance on questions of law. Judicial discipline therefore obliges this Court to accord due weight to the legal principles so enunciated, while independently assessing whether, on the evidence and pleadings available in the present suit, the parties have discharged their respective

burdens. Viewed thus, the 2018 judgment is not treated as conclusively determining the rights in issue here, but as laying down the legal framework within which those rights must be evaluated.

36. The attempt made by the learned counsel for the plaintiff to distinguish the 2018 Division Bench judgment on the ground that it arose from writ proceedings, or that its observations were confined to questions uences under agrarian legislation, but undertook an antecedent enquiry into the juridical character of Pandarapattom lands, the nature of rights flowing from the Royal Proclamation of 1040 M.E., and the continuing relevance of the Larger Bench ruling in Rev. Fr. Victor Fernandez. These findings were not rendered in isolation or obiter, but formed the necessary foundation for examining the State's claim of title and dominion. While it is correct that the writ court did not adjudicate private title in the strict sense, the legal principles articulated therein directly address the premise upon which the plaintiff's present claim is founded, namely, that the State retained Jenmom or proprietary rights notwithstanding the Proclamation and subsequent dealings. This Court therefore finds that the plaintiff's effort to confine the 2018 judgment to a narrow statutory or procedural context overlooks its substantive exposition of land tenure and sovereignty, which remains relevant and

persuasive for the adjudication of the issues arising in this suit. The distinction sought to be drawn is thus one of form rather than substance and does not detract from the applicability of the legal principles enunciated therein to the present controversy.

37. Once the legal framework governing Pandarapattom lands and the effect of the Royal Proclamation of 1040 M.E. is kept in view, the decisive question that arises is whether the plaintiff has independently discharged the burden of establishing subsisting title in the State to the plaint schedule properties. It is trite that the weakness or absence of title in the defendant does not, by itself, strengthen the plaintiff's case, particularly in a suit where the State asserts proprietary or jenmom rights. In the present case, the plaintiff's pleadings and evidence proceed predominantly on negating the defendants' documents, while stopping short of producing cogent, affirmative material demonstrating how the State retained dominium over the land notwithstanding the Proclamation, subsequent statutory developments, and long-standing revenue recognition. The oral evidence of the plaintiff's witnesses, read as a whole, discloses uncertainty regarding the origin of title, the identity of the land as Government land, and the continuity of any jenmom right in favour of the State. Significantly, no

authoritative record contemporaneous with or subsequent to the Proclamation has been produced to show a reservation of proprietary rights in favour of the Sirkar in respect of the suit property. In this evidentiary vacuum, the plaintiff cannot succeed merely by casting doubt on the defendants' chain of documents, as the law requires the plaintiff to stand or fall on the strength of its own title.

38. On Settlement register & title – plaintiff's reliance answered.

(State of HP v. Keshav & Sahana Industries)

The plaintiff relied on **State of H.P. v. Keshav ((1996) 1 SCC 257) and Sahana Industries v. State of Kerala (2021 KHC Online 7110)** to contend that settlement register entries prove Government title. There can be no dispute that settlement registers are relevant public documents. However, these decisions also hold that settlement entries are not conclusive proof of title and can be displaced by subsequent statutory events and long-standing recognition of private rights. In the present case, proclamations, land reforms legislation, issuance of pattas, and revenue recognition over decades have

fundamentally altered the legal character of the land. Therefore, mere reliance on century-old settlement entries is insufficient to sustain the plaintiff's claim.

39. On state's burden and settlement entries.

State of Himachal Pradesh v. Keshav Ram, (1996) 1 SCC 257,

The defendants placed reliance on State of Himachal Pradesh v. Keshav Ram [(1996) 1 SCC 257], wherein the Supreme Court held that settlement entries, though relevant, are not conclusive proof of title and that the State must adduce cogent evidence to displace long-standing private possession and enjoyment. The Court rejected the State's claim where it failed to produce documents establishing subsisting title. In the present case also, apart from reliance on historical settlement entries, the plaintiff has failed to establish any surviving proprietary right after statutory transformations. Hence, the ratio of Keshav Ram squarely applies.

Presumptions Arising from Public Records. It is true that entries in public records carry a presumption of correctness under the Evidence Act. However, such presumption is rebuttable and operates only in respect of facts stated therein, not legal conclusions. The presumption cannot be used to defeat substantive rights conferred by statute. Where there is a conflict between a presumption arising from a public record and a statutory provision, the latter must prevail. This hierarchy of norms is well recognised in jurisprudence. In the present case, the presumption arising from the Settlement Register is rebutted by overwhelming contrary material. This includes royal proclamations, and long-standing State conduct recognising private ownership. When such material exists, the presumption attached to the Settlement Register stands displaced. The plaintiff has failed to rebut this displacement.

Absence of Corroborative Contemporary Records. Another significant aspect is the absence of corroborative contemporary records supporting the plaintiff’s claim of continuing ownership. The plaintiff has not produced any post-proclamation or post-land reform document evidencing assertion of jenmom rights. There is no material showing collection of michavaram, enforcement of jenmom incidents, or exercise

of proprietary control by the State in recent decades. This silence is telling. On the contrary, the defendants have produced revenue records, tax receipts, and statutory orders consistently recognising their ownership or possessory rights. Courts have held that long-standing entries in favour of private parties, coupled with State acquiescence, cannot be lightly ignored. The Settlement Register, standing alone, cannot outweigh such consistent and contemporaneous evidence.

"The plaintiff's case rests substantially on settlement and allied revenue records. However, the plaintiff has not produced the correlation or referral registers necessary to establish the identity and continuity of the land described in the settlement records with the present plaint schedule property. In the absence of such linkage records, the settlement entries remain uncorrelated to the present survey identity. Since revenue records are fiscal in nature and do not constitute documents of title, their evidentiary value depends upon proper correlation. The non-production of such records, without satisfactory explanation, therefore materially weakens the plaintiff's case on identity and title, and an adverse inference is liable to be drawn."

Settlement Register in the Context of Limitation

The plaintiff's reliance on the Settlement Register also raises issues of limitation. If the State believed that settlement entries conclusively established its title, it was incumbent upon it to act when subsequent documents and proceedings allegedly contradicted that title. The existence of the Settlement Register cannot indefinitely postpone the accrual of the right to sue. Limitation statutes do not permit revival of stale claims merely by reference to old records. The Settlement Register, therefore, does not rescue the plaintiff from the bar of limitation. On the contrary, it underscores the historical nature of the claim and the prolonged inaction of the State. This aspect will be examined in greater detail when the Court addresses limitation specifically.

Conclusion on the Settlement Register. For all the foregoing reasons, this Court holds that the Settlement Register relied upon by the plaintiff does not establish subsisting Government title over the suit properties. Its evidentiary value is limited, rebuttable, and outweighed by subsequent legal developments and factual circumstances. The plaintiff's attempt to elevate it to the status of a title deed is legally unsustainable. This conclusion further weakens the foundation of the suit. Having found

that neither historical tenure nor settlement entries support the plaintiff's claim, the Court now turns to the registered documents and conveyances relied upon by the defendants, including the indenture of 1923, and the legal implications of registration and constructive notice.

40. Registered Documents, the Indenture of 1923, (Ext.B54) and the Doctrine of Constructive Notice.

1. Legal Effect of Registration of Documents - Registration of documents under the Registration Act, 1908 serves a public purpose by providing notice to the world at large of transactions affecting immovable property. Once a document is duly registered, it acquires a statutory presumption of genuineness with respect to its execution, subject to proof to the contrary. The registration system is intended to ensure transparency and certainty in land transactions. Courts have consistently held that registration does not by itself confer title, but it gives notice of the transaction and binds all persons who are deemed to have notice under law. This principle applies equally to the State, which is not exempt from the consequences of registration. In the present case, the defendants rely on a series of registered documents, including the indenture executed in the year 1923, forming the root of their title. These

documents were registered by the competent Sub-Registrar after due compliance with statutory formalities. The State, through its registration machinery, thus facilitated the public notice of these transactions. Having done so, the State cannot later contend that it was unaware of the existence or nature of these documents. The legal effect of registration must therefore be given due weight in assessing the plaintiff's claim.

2. Nature and Character of the Indenture of 1923. The plaintiff sought to minimise the legal effect of the indenture of 1923 (Ext.B54) by questioning its nomenclature and certain recitals. This Court is of the view that such an approach is misplaced. An indenture is a formal written instrument embodying a transaction between parties, and its legal character is determined by its substance rather than its title. Courts have repeatedly held that the absence of certain details or imperfections in recitals does not automatically invalidate a conveyance. What is material is whether the document evidences an intention to transfer rights and whether it was acted upon. The indenture of 1923 was executed between competent parties, registered in accordance with law, and followed by mutation and recognition in revenue records. It was not a dormant or sham transaction. For decades thereafter, the transferee and its successors remained in possession and enjoyment of the property.

These facts strongly indicate that the indenture was treated as operative by all concerned, including the State. In such circumstances, the plaintiff cannot lightly dismiss the document as ineffective.

3. Constructive Notice Under the Transfer of Property Act. Section 3 of the Transfer of Property Act, 1882 defines “notice” and provides that registration of a document operates as constructive notice of its contents to all persons. Explanation I to Section 3 makes it clear that any person acquiring property shall be deemed to have notice of a registered instrument affecting that property. The State, when asserting rights over immovable property, stands on the same footing as any other person for the purpose of constructive notice. Courts have consistently held that the doctrine of constructive notice applies to the Government as well. Therefore, from the date of registration of the indenture of 1923 and subsequent conveyances, the State is deemed to have had notice of the transfer of rights claimed by the defendants’ predecessor. This constructive notice cannot be wished away by pleading ignorance or by relying on historical settlement entries. Once constructive notice is established, the State’s prolonged inaction assumes legal significance, particularly in the context of limitation. The doctrine of constructive notice thus materially weakens the plaintiff’s case.

4. Actual Knowledge and State Acquiescence. Apart from constructive notice, the record discloses ample evidence of actual knowledge on the part of the State. Following the 1923 indenture, the State effected mutation in revenue records and accepted land tax from the transferee and its successors as evident from Exts.B6, B19, B21, B22,B41, B42, B44. The State also participated in statutory proceedings under the Kerala Land Reforms Act and issued Exts.B1 exemption order dated 02.07.1982. These acts are inconsistent with the claim that the State was unaware of the defendants' asserted rights. While it is true that there is no estoppel against statute, the law does not permit the State to approbate and reprobate. Long-standing acquiescence, coupled with statutory recognition, creates a strong factual matrix against belated assertions of title. Courts have held that such conduct, though not amounting to estoppel in the strict sense, is relevant in assessing the bona fides and sustainability of the State's claim. This Court finds that the plaintiff's conduct over several decades seriously undermines its present stand.

5. Alleged Defects in the Registered Documents (Exts.B3, B4, B5 and B54). The plaintiff sought to challenge the registered documents on the ground that they lack certain details such as survey

numbers or references to prior deeds. This contention does not advance the plaintiff's case. Defects or omissions in recitals may necessitate additional evidence to identify the property or establish title, but they do not render a registered document void ab initio. Courts have consistently held that such deficiencies primarily prejudice the transferee, not the State. Having registered the document, the State cannot later exploit such deficiencies to assert title for itself. Moreover, if the plaintiff genuinely believed that the registered documents were fraudulent or void, the proper course was to initiate proceedings to have them annulled. The plaintiff has not done so. Instead, it seeks to ignore the documents altogether. This approach is legally impermissible. Registered documents remain operative until set aside by a competent court. This principle has been repeatedly affirmed by the Supreme Court.

6. Presumption Under Section 90 of the Evidence Act. The indenture of 1923 and other early documents relied upon by the defendants are more than thirty years old. Section 90 of the Indian Evidence Act permits the court to presume that such ancient documents were duly executed and attested, provided they are produced from proper custody. This presumption strengthens the defendants' case regarding the genuineness of the documents. Although Section 90 does not

conclusively establish title, it reinforces the authenticity of the root documents. In the absence of any cogent evidence rebutting this presumption, the Court is entitled to act upon the documents. The plaintiff has not produced any evidence to show that the documents were fabricated or improperly executed.

41. Discussion on the Proof Affidavit of PW1 and Allegation of Fraud. The proof affidavit of PW1, who was examined on behalf of the plaintiff–State, has been carefully perused in its entirety. PW1 has asserted that the suit properties are Government lands and that the defendants' title claims are incorrect, placing reliance primarily on entries in the Settlement Register and allied revenue records. However, a close reading of the affidavit reveals that no specific plea or factual assertion has been made alleging that the defendants or their predecessors committed fraud in the execution, registration, or procurement of any of the documents relied on by them. The affidavit does not identify any act of fabrication, forgery, impersonation, interpolation, suppression, or collusion attributable to the defendants. In the absence of such particulars, the affidavit merely contains a general denial of title, which cannot, by itself, amount to an allegation of fraud in the eye of law.

It is trite law that fraud is a serious charge which must be pleaded with particularity and proved by cogent evidence. Mere assertions that the defendants' documents are "not correct" or "not tenable" do not satisfy the legal requirement of pleading fraud. The proof affidavit of PW1 does not disclose when, how, or by whom the alleged fraud was committed, nor does it specify which document is fraudulent and on what precise grounds. No foundational facts have been laid to attract an enquiry into fraud, such as discrepancy in signatures, seals, registration procedure, or contemporaneous official records. In the absence of such pleadings and supporting material, the Court cannot embark upon a roving enquiry into alleged fraud based on conjecture.

The defendants have specifically contended that the plea of fraud is conspicuously absent in the proof affidavit and that no oral or documentary evidence has been adduced to substantiate such an allegation. This contention merits acceptance. Fraud cannot be presumed merely because the plaintiff disputes the defendants' title or questions the historical origin of their documents. The burden to establish fraud squarely lies on the party who alleges it, and such burden does not shift merely because the State asserts ownership. In the present case, the plaintiff has not discharged this burden even prima facie.

It is also significant that the documents impugned by the plaintiff are registered documents of considerable antiquity, some of which have been acted upon by revenue authorities themselves for decades. The proof affidavit of PW1 does not explain why, if the documents were fraudulent, no steps were taken to seek their cancellation or to initiate appropriate proceedings at the relevant time. The affidavit is silent as to any forensic examination, departmental enquiry, or contemporaneous objection raised by the Government authorities when the documents were relied upon in statutory or judicial proceedings. Such prolonged acquiescence further weakens the unsubstantiated allegation of fraud now sought to be advanced.

The Court is mindful that fraud vitiates all solemn acts; however, the law equally mandates that fraud must be strictly proved and cannot rest on suspicion, inference, or hindsight. In the absence of pleadings containing material particulars and in the absence of supporting evidence, the allegation of fraud remains a mere assertion without legal foundation. The proof affidavit of PW1, therefore, does not advance the plaintiff’s case on fraud in any legally sustainable manner. Consequently, the defendants’ contention that the allegation of fraud cannot be accepted for want of pleadings and proof deserves to be

upheld. Mere allegations or suspicions are insufficient to displace the statutory presumption. This aspect further weakens the plaintiff's challenge to the registered documents.

Consequences for the Plaintiff's Claim. The combined effect of registration, constructive notice, actual knowledge, and statutory presumptions is fatal to the plaintiff's claim. The State cannot plausibly assert that its right to sue accrued only recently when the root documents have been in the public domain for nearly a century. Nor can it ignore the legal consequences of its own acts in registering, recognising, and acting upon those documents. The plaintiff's case thus suffers from both substantive and procedural infirmities. Having examined the registered documents and their legal implications, this Court finds that they constitute a formidable obstacle to the plaintiff's claim of title. The analysis now turns to the State's conduct as reflected in revenue records, tax collection, and statutory proceedings, which further illuminates the weakness of the plaintiff's case.

42. Revenue Records, State Conduct, Long Acquiescence, and Their Legal Consequences (Exts.B6, B19, B21, B41, B42, B44).

1. Evidentiary Role of Revenue Records. Revenue records such as the Basic Tax Register, Thandaper Register, and related fiscal

documents are maintained primarily for the purpose of assessment and collection of land revenue. Though such records do not by themselves confer title, they constitute relevant evidence of possession, enjoyment, and recognition by the State. Courts have consistently held that long-standing revenue entries in favour of a party, when coupled with possession, cannot be ignored lightly. These records reflect the administrative understanding of ownership prevailing at the relevant time. Therefore, while revenue records are not decisive, they are significant in evaluating competing claims of title. In the present case, the revenue records for several decades consistently show the defendants' predecessor and successors as pattadars or holders in possession. The State has not produced any contemporaneous revenue record asserting its own ownership or control over the suit properties. This prolonged absence of assertion is not inconsequential. On the contrary, it strongly suggests administrative acceptance of the defendants' claim. Such acceptance assumes importance when the State later seeks to assert a contrary position.

2. Mutation and Recognition Following the 1923 Indenture. Following the execution and registration of the indenture of 1923, the State effected mutation in favour of the transferee. Mutation is an

administrative act recognising the person liable to pay land revenue. Though mutation does not create title, it evidences recognition by the State of the transferee's interest. Courts have repeatedly observed that mutation entries, when allowed to stand unchallenged for long periods, acquire evidentiary value. The State's act of mutating the records in 1923 and thereafter undermines its present assertion of ignorance or non-recognition. The plaintiff has not explained why mutation was allowed to stand for decades if the State believed that the land was its own. Nor has it shown any attempt to correct or cancel the mutation entries. This prolonged inaction strengthens the inference of acquiescence. While acquiescence does not amount to estoppel against statute, it is a relevant circumstance in assessing the credibility and sustainability of the State's claim.

3. Acceptance of Land Tax and Other Fiscal Levies. Another significant aspect of State conduct is the continuous acceptance of land tax and other fiscal levies from the defendants and their predecessors. Payment and acceptance of tax are acts consistent with recognition of ownership or lawful possession. Courts have held that while tax receipts are not conclusive of title, they reflect the State's treatment of the payer as the person responsible for the land. The plaintiff has not denied that it

collected land tax over several decades without protest. The State's acceptance of tax assumes greater significance in the context of the present suit, where the State seeks to deny the very title it earlier recognised for fiscal purposes. Such inconsistent conduct weakens the plaintiff's claim. Courts have cautioned that the State must act with fairness and consistency, particularly when dealing with property rights. The prolonged acceptance of tax without asserting ownership casts doubt on the bona fides of the present action.

4. Proceedings Before the Taluk Land Board (Ext.B1). The proceedings before the Taluk Land Board under the Kerala Land Reforms Act provide further insight into the State's conduct. In those proceedings, the suit properties were examined, and the defendants' predecessor was granted exemption from ceiling limits. Such exemption presupposes recognition of lawful holding and entitlement. The State was a participant in those proceedings and did not raise any objection asserting Government ownership. The orders of the Land Board attained finality. The plaintiff's attempt to now assert title over the same properties is inconsistent with its earlier stance before the statutory authority. While the State may argue that Land Board proceedings are limited in scope, the fact remains that the State accepted the defendants'

predecessor’s claim to the land for statutory purposes. This acceptance cannot be brushed aside as inconsequential. It forms part of the cumulative conduct that undermines the present suit.

5. Issuance of Pattas and Certificates by the State (Exts.B55 and B56).

The issuance of pattas and other certificates by State authorities further evidences recognition of the defendants’ rights. Such documents are not issued casually; they follow verification of records and satisfaction of statutory conditions. When the State issues a patta, it represents an official acknowledgment of the holder’s interest in the land. Though pattas may not by themselves confer title, they are relevant indicators of State recognition. The plaintiff has not initiated any proceedings to cancel or annul these pattas. Nor has it pleaded specific grounds of fraud or jurisdictional error. In the absence of such steps, the pattas remain operative and must be given due evidentiary weight. The State cannot selectively disown its own official acts while seeking to rely on other records favourable to it.

“The plaintiff has alleged that Exhibits B-55 and B-56 are forged. Forgery is a serious allegation which requires specific pleadings and strict proof. Except for a bare assertion, no evidence has been

adduced to establish that the said pattas were fabricated or unlawfully issued. No expert evidence, have been initiated to substantiate the allegation. It is also significant that the said pattas have never been cancelled in accordance with law and were acted upon by the State itself for several decades. In such circumstances, the allegation of forgery cannot be accepted."

6. Doctrine of Approbation and Reprobation. The principle that a party cannot approbate and reprobate, though rooted in equity, has relevance in assessing State conduct. The State cannot, on the one hand, recognise and act upon private ownership for decades, and on the other, deny such ownership when it suits its convenience. Courts have repeatedly held that such inconsistent conduct, while not creating estoppel against statute, affects the credibility of the claim. Fairness in public administration demands consistency. In the present case, the State's long-standing recognition of the defendants' predecessor as owner or lawful holder stands in stark contrast to its present assertion of title. This inconsistency is not explained by any intervening change in law or discovery of new facts. Rather, it appears to be an attempt to resurrect a claim long abandoned. Such an approach cannot be countenanced by this Court.

7. Impact of State Conduct on Limitation and Maintainability. The State's conduct as reflected in revenue records, tax collection, and statutory proceedings also has a direct bearing on limitation. Constructive and actual knowledge of the defendants' claim must be imputed to the State from these acts. The right to sue, if any, accrued long ago. The prolonged inaction and acquiescence reinforce the conclusion that the present suit is barred by limitation. This aspect will be examined in detail in the subsequent part dealing specifically with limitation. At this stage, it suffices to observe that the cumulative effect of revenue records and State conduct decisively weakens the plaintiff's case. The State cannot ignore decades of its own actions and seek to unsettle settled rights through a belated suit. The analysis now turns to the crucial question of limitation and the statutory bar under the Limitation Act.

43. Limitation: Articles 58, 59, and 65 of the Limitation Act – Accrual of the Right to Sue.

1. Governing Statutory Framework on Limitation

The law of limitation is founded on public policy and is intended to ensure certainty, repose, and finality in legal relations. The Limitation Act, 1963 prescribes specific periods within which different categories of

suits must be instituted. Courts are bound to apply limitation strictly, even if the result appears harsh. The provisions of the Act cannot be diluted on equitable considerations. When a suit is barred by limitation, the court has no discretion to entertain it. In the present case, the plaintiff seeks declaration of title and consequential recovery of possession. Depending on the nature of relief and pleadings, Articles 58, 59, or 65 of the Limitation Act may apply. It is therefore necessary to examine the scope and applicability of each of these articles. The determination of limitation cannot be made in the abstract; it must be grounded in the pleadings and admitted facts. This Court therefore undertakes a careful analysis of each relevant provision.

2. Article 58 – “When the Right to Sue First Accrues”

Article 58 of the Limitation Act governs suits for declaration and prescribes a period of three years from the date “when the right to sue first accrues.” The deliberate insertion of the word “first” marks a departure from the earlier Article 120 of the Limitation Act, 1908. The legislative intent is clear: once the right to sue accrues, subsequent or recurring causes of action do not extend or revive limitation. The Supreme Court has repeatedly emphasised this aspect in authoritative pronouncements. In **Khatri Hotels (P) Ltd. v. Union of India (2011) 9**

SCC 126, the Supreme Court held that the expression “first accrues” means the earliest point of time at which the plaintiff could have instituted the suit. The Court clarified that repeated infringements do not give rise to fresh causes of action for the purpose of limitation under Article 58. This principle squarely applies to the present case, where the plaintiff seeks to challenge rights asserted under documents and proceedings that date back several decades.

3. Knowledge, Constructive Notice, and Accrual of Right. The accrual of the right to sue is closely linked to the plaintiff’s knowledge, actual or constructive, of the facts giving rise to the claim. Section 3 of the Transfer of Property Act imputes constructive notice of registered documents to all persons. As discussed earlier, the indenture of 1923 and subsequent conveyances were duly registered. From the date of registration, the State is deemed to have notice of those transactions. This constructive notice is sufficient to trigger accrual of the right to sue. Apart from constructive notice, the record discloses actual knowledge on the part of the State through mutation entries, revenue records, land tax collection, Land Board proceedings, and issuance of pattas and certificates. These acts demonstrate that the State was fully aware of the defendants’ assertion of rights. The plaint, however, is conspicuously

silent on the date when the plaintiff allegedly acquired knowledge of these documents. Such silence assumes significance in the context of limitation and militates against the plaintiff's case.

44. On limitation – Plaintiff's Authorities answered

(Joint Collector v. Narsingh Rao)

The plaintiff relied on **Joint Collector v. Narsingh Rao ((2015) 3 SCC 695)** to contend that mere assertion of fraud does not extend limitation and that reasonable time doctrine applies only where limitation is not prescribed. This Court fully agrees with that proposition. Ironically, the said decision strengthens the defendants' case rather than the plaintiff's. In the present suit, limitation periods are expressly prescribed under Articles 58 and 59 of the Limitation Act. The plaintiff, despite having constructive and actual knowledge of the impugned documents for several decades, chose to institute the suit belatedly. As held in Narsingh Rao, stale claims cannot be revived on the ground of fraud alone without diligent action.

(Dilboo v. Dhanraji & Article 65)

The reliance placed by the plaintiff on **Dilboo v. Dhanraji ((2000) 7 SCC 702)** to contend that Article 65 applies and that the State has 30 years to sue is misconceived. Article 65 applies only where the

plaintiff admits title in the defendant and seeks recovery on the basis of dispossession. In the present case, the plaintiff disputes the defendants' title itself and seeks a declaration of ownership. Therefore, the suit squarely falls under Article 58 and not Article 65. Even otherwise, the plaintiff has failed to establish any point of dispossession within the limitation period.

(N.V. Srinivasa Murthy v. Mariyamma)

The plaintiff attempted to distinguish **N.V. Srinivasa Murthy v. Mariyamma ((2005) 5 SCC 548)** on the ground that the impugned documents were executed by strangers. This distinction is artificial. The ratio of the decision is that clever drafting cannot be permitted to defeat limitation or to avoid seeking necessary reliefs. In the present case, by avoiding a prayer to set aside or declare the documents non-binding, the plaintiff has attempted precisely what the Supreme Court cautioned against. Hence, the decision applies with full force against the plaintiff.

45. On limitation and "First Accrual of Right to Sue" (Authorities relied on by defendants) **Uma Devi v. Anand Kumar, (2015) 8 SCC 369.**

The learned counsel for the defendants placed strong reliance on Uma Devi v. Anand Kumar [(2015) 8 SCC 369], wherein the Hon'ble

Supreme Court held that in a suit governed by Article 58 of the Limitation Act, the limitation period commences when the right to sue first accrues and not from every subsequent or continuing wrong. The Court emphasised that omission to plead the specific date of knowledge is fatal when limitation is in issue. In the present case, the plaint is conspicuously silent as to when the plaintiff first became aware of the registered deeds and pattas now sought to be ignored. In the light of the admitted existence of revenue records, mutations, and statutory proceedings spanning several decades, this omission assumes decisive significance. Applying the ratio of Uma Devi, this Court finds that the right to sue, if any, accrued long prior to the institution of the suit and the present claim is therefore barred by limitation. Hardesh Ores (P) Ltd. v. Hede & Co., (2007) 5 SCC 614

Reliance was also placed on **Hardesh Ores (P) Ltd. v. Hede & Co. [(2007) 5 SCC 614],** wherein the Supreme Court held that where the grant of consequential relief depends upon the subsistence or invalidation of an earlier right or document, the foundational relief must be sought within limitation. The Court further cautioned that a plaintiff cannot avoid limitation by omitting the primary relief and seeking only consequential relief. In the present suit, the relief of recovery of

possession is entirely dependent on nullifying the legal effect of registered conveyances and pattas. The plaintiff having failed to seek such foundational reliefs within the prescribed period, the suit is clearly barred by limitation, as held in Hardesh Ores.

On Cever Drafting and Illusory cause of action. **T. Arivandandam v. T.V. Satyapal, (1977) 4 SCC 467.**

The defendants relied on T. Arivandandam v. T.V. Satyapal [(1977) 4 SCC 467], wherein the Supreme Court cautioned courts against entertaining vexatious and meritless suits founded on clever drafting designed to create an illusion of cause of action. The Court held that where on a meaningful reading of the plaint it is manifestly clear that the suit is barred by law, the court must nip such litigation in the bud. In the present case, despite the existence of registered documents, statutory pattas, and long-standing recognition of private possession, the plaintiff has attempted to project a belated cause of action by selectively relying on a later deed. Applying the principle in T. Arivandandam, this Court finds that the plaint discloses no legally sustainable cause of action.

Madanuri Sri Rama Chandra Murthy v. Syed Jalal, (2017) 13 SCC 174

The decision in Madanuri Sri Rama Chandra Murthy v. Syed Jalal [(2017) 13 SCC 174] was cited by the defendants to contend that courts must look beyond the form of pleadings to ascertain the real nature of the relief sought. The Supreme Court reiterated that clever drafting cannot be permitted to circumvent limitation or statutory bars. In the present case, though the suit is framed as one for declaration and recovery, its real object is to invalidate long-standing registered documents without seeking appropriate reliefs. Hence, the ratio in Madanuri squarely applies and militates against the maintainability of the suit.

Article 59 – Suits for Cancellation of Instruments

Article 59 governs suits for cancellation or setting aside of an instrument and prescribes a period of three years from when the facts entitling the plaintiff to have the instrument cancelled first become known. The plaintiff has not sought cancellation of any registered document or statutory certificate in the present suit. Nevertheless, the substance of the plaintiff’s claim is an attack on the validity and effect of those instruments. Courts have consistently held that limitation cannot be circumvented by omitting to seek the appropriate relief. In **Prem Singh v. Birbal (2006) 5 SCC 353,** the Supreme Court distinguished between

void and voidable documents and held that even voidable documents must be challenged within the period prescribed by law. If the plaintiff's case is that the registered documents are void or fraudulent, it was incumbent upon the plaintiff to seek appropriate relief within limitation. Having failed to do so, the plaintiff cannot now indirectly challenge those documents through a declaratory suit.

Article 65 – Suits for Possession Based on Title. Article 65 provides a limitation period of twelve years for suits for possession of immovable property based on title, commencing from the date when the possession of the defendant becomes adverse to the plaintiff. The plaintiff sought to rely on Article 65 to contend that the suit is within time. This contention is untenable on the facts of the present case. The defendants' possession has been open, continuous, and hostile to any assertion of State title for several decades. Even assuming that Article 65 applies, the State must establish when the defendants' possession became adverse. The evidence shows that the defendants and their predecessors have asserted ownership openly since at least 1923. The State's own conduct in recognising such possession reinforces its adverse character. Therefore, even under Article 65, the limitation period expired long before the institution of the suit.

Suppression of Material Facts and Its Effect on Limitation. The plaintiff's failure to plead material facts relating to knowledge and accrual of the right to sue further weakens its case. Courts have held that a plaint which suppresses or omits critical facts bearing on limitation is liable to adverse scrutiny. In Uma Devi v. Anand Kumar, it was held that suppression of the date of knowledge is fatal to a declaratory suit. The present plaint suffers from a similar infirmity. The attempt to project the cause of action as a continuing one is legally unsustainable. Limitation statutes do not recognise continuing causes of action for challenges to title founded on old documents. The plaintiff cannot revive a stale claim by characterising long-standing possession as a fresh infringement. This Court therefore finds that the suit is hopelessly barred by limitation.

Limitation as an Independent Ground for Dismissal. The analysis of Articles 58, 59, and 65 leads to an inescapable conclusion that the plaintiff's suit is barred by limitation. The right to sue first accrued decades ago, and the State had both constructive and actual knowledge of the defendants' claim. The suit, instituted after an inordinate delay, is legally untenable. This conclusion holds irrespective of the merits of the substantive claim. Limitation thus constitutes an independent and sufficient ground for dismissal of the suit. The Court now proceeds to

examine the issue of maintainability under the Specific Relief Act, which further reinforces this conclusion.

46. Section 34 of the Specific Relief Act, 1963 – Maintainability and Omission of Mandatory Relief.

1. Scope and Object of Section 34 of the Specific Relief Act. Section 34 of the Specific Relief Act, 1963 governs suits for declaratory relief and embodies a well-settled limitation on the exercise of declaratory jurisdiction. The provision permits a court to make a declaration of a legal character or right to property, but it expressly bars such declaration where the plaintiff, being able to seek further relief, omits to do so. The proviso to Section 34 is mandatory in nature and not merely directory. Courts have consistently held that a declaratory suit which ignores the proviso is not maintainable. The object of the proviso is to prevent multiplicity of proceedings and to ensure that all necessary reliefs are sought in one comprehensive action. The proviso reflects a substantive rule of law rather than a procedural technicality. It prevents plaintiffs from seeking abstract or academic declarations divorced from effective relief. Where the declaration sought necessarily involves invalidation of existing instruments or orders, the plaintiff must seek such invalidation directly. Courts cannot grant a declaration that

indirectly nullifies existing documents without those documents being specifically challenged. This principle is of particular relevance in the present case.

2. Distinction Between Cancellation and Declaration. A clear legal distinction exists between a suit for cancellation of an instrument under Section 31 of the Specific Relief Act and a suit for declaration that an instrument is void, invalid, or not binding under Section 34. Where the plaintiff is a party to the instrument or has executed it, the appropriate relief is cancellation. Where the plaintiff is a non-executant, the relief is a declaration that the instrument is not binding. This distinction has been consistently recognised by the Supreme Court and High Courts. The form of relief must correspond to the plaintiff's legal relationship with the instrument. In the present case, the defendants' title is founded on two categories of documents: registered sale deeds executed between private parties, and statutory pattas exemption orders or certificates issued by State authorities. The State is not a party to the former but is directly responsible for the latter. Therefore, if the plaintiff seeks to avoid the effect of the sale deeds, it must seek a declaration that they are not binding. If it seeks to negate the pattas or certificates, it must seek their cancellation. The plaintiff has done neither.

3. Foundational Defect in the Present Plaint. The reliefs sought in the plaint are confined to declaration of title and recovery of possession. The plaint does not contain any prayer for cancellation of pattas, or other statutory instruments issued by the State itself. Nor does it seek a declaration that the registered sale deeds relied upon by the defendants are void or not binding on the State. This omission is not incidental; it goes to the very root of the maintainability of the suit. Without invalidating these documents, the plaintiff cannot obtain the relief of declaration or possession. Courts have repeatedly held that where the plaintiff's title is directly confronted by existing documents, those documents constitute the real obstacle that must be removed. A suit that seeks to bypass this obstacle by clever drafting is not maintainable. In **N.V. Srinivasa Murthy v. Mariyamma (2005) 5 SCC 548**, the Supreme Court held that if the real foundation of the suit is to nullify a registered deed, the suit must be framed accordingly. A mere suit for declaration of title, without challenging the deed, is legally incompetent.

4. Attempt to Circumvent Limitation Through Drafting. The omission to seek cancellation or declaratory invalidation of the documents also has a clear bearing on limitation. Reliefs under Sections 31 and 34 are governed by Articles 59 and 58 of the Limitation Act

respectively. By avoiding these reliefs, the plaintiff seeks to present the suit as one governed by a longer limitation period. Courts have consistently frowned upon such attempts to circumvent limitation through artful drafting. The law looks at the substance of the relief, not its form. In **Church of Christ Charitable Trust v. Ponniamman Educational Trust (2012) 8 SCC 706**, the Supreme Court held that the court must examine the real nature of the suit and the substantive relief sought. If the suit, in substance, seeks to invalidate a document, the plaintiff cannot avoid the limitation applicable to such relief by omitting it from the prayer. Applying this principle, the present suit is clearly structured to avoid the bar of limitation, and such structuring cannot be permitted.

5. Consequences of Violating the Proviso to Section 34. Violation of the proviso to Section 34 has serious consequences. The court is statutorily barred from granting the declaration sought when the plaintiff omits necessary consequential relief. The defect is not curable by evidence or by subsequent amendment after limitation has expired. Courts have held that such a suit must fail on maintainability. This principle has been applied consistently by the Kerala High Court in

numerous decisions. In the present case, even if this Court were to assume, for argument's sake, that the plaintiff has some residual claim, it cannot grant declaratory relief in the absence of appropriate prayers. Granting a declaration in such circumstances would render the proviso to Section 34 otiose. Judicial discipline requires strict adherence to the statutory mandate.

47. On "No need to seek cancellation/can ignore deed" – Plaintiff's case law dealt with:-

The learned Senior Government Pleader relied on **K. Vattakandiyil Madhavan v. Janaki (2024 (2) KLT 789 SC)** to contend that a document executed by a person having no title and tainted by fraud can be ignored by the true owner and that no specific relief for cancellation is required. There can be no quarrel with the abstract proposition that fraud vitiates all solemn acts. However, the said decision does not lay down a universal rule that every registered document can be ignored without seeking appropriate declaratory relief. The Supreme Court itself has consistently held that where a registered document stands as a subsisting and operative instrument affecting title and has been acted upon for decades, a civil court cannot ignore its existence without

appropriate pleadings and reliefs. In the present case, the impugned documents have been recognised in revenue records, land ceiling proceedings, and statutory orders over a long period, and therefore constitute more than a mere paper transaction. Hence, the principle in K. Vattakandiyil Madhavan does not assist the plaintiff.

(Dealing with Decan Paper Mills/Muppudathi Pillai line of cases)

Reliance was also placed on **Decan Paper Mills v. Regency Mahavir (2021 (4) SCC 786),** following **Muppudathi Pillai v. Krishnaswamy Pillai (AIR 1960 Mad 1)** and **Kamalakshyamma v. Sangatha (2012 (3) KLT 264)**, to argue that a third party need not seek cancellation of a document. These decisions recognise the distinction between executants and non-executants of a document. However, even a non-executant who seeks to nullify the legal effect of a registered document forming the foundation of the defendant's title must seek an appropriate declaration when such document constitutes an obstacle to the relief claimed. In the present case, the plaintiff's suit for recovery of possession and declaration necessarily requires neutralising the effect of registered deeds and pattas which have been acted upon by the State itself. Therefore, these authorities do not dispense with the need for appropriate foundational relief in the facts of this case.

48. On constructive notice – Mohd. Noorul Hoda v. Vibi.

The decision in **Mohd. Noorul Hoda v. Bibi Raifunnisa ((1996) 7 SCC 767)** was cited to argue that only "insurmountable obstacles" require cancellation. This Court finds that the registered deeds and statutory pattas in the present case do constitute insurmountable legal obstacles to the plaintiff's claim for possession. They are not stray or inoperative documents, but instruments acted upon by the State itself. Hence, the principle laid down therein mandates, rather than excuses, the seeking of appropriate declaratory relief.

Maintainability as an Independent Ground for Dismissal. The maintainability defect under Section 34 operates independently of the bar of limitation. Even if limitation were to be ignored, the suit would still fail for want of proper relief. The plaintiff cannot seek to recover possession while leaving intact the documents and statutory instruments that confer colour of title on the defendants. Such an approach is legally incoherent. This Court therefore finds that the suit is not maintainable under Section 34 of the Specific Relief Act. The omission to seek cancellation or declaratory invalidation of the foundational documents is

fatal. This constitutes an additional and independent ground for dismissal of the suit.

Transition to the Next Stage of Analysis. Having found that the suit is barred by limitation and is also not maintainable under the Specific Relief Act, the Court nonetheless proceeds to complete the analysis on all issues raised, in order to render a comprehensive judgment. The next aspect to be considered is whether the suit could have been rejected at the threshold under Order VII Rule 11(d) of the Code of Civil Procedure. The examination of Order VII Rule 11(d) will further illuminate the procedural posture of the suit and the appropriate judicial response. This Court now proceeds to that analysis.

49. Order VII Rule 11(d) of the Code of Civil Procedure – Whether Rejection of the Plaint Was Warranted.

1. Scope and Object of Order VII Rule 11(d). Order VII Rule 11(d) of the Code of Civil Procedure empowers the court to reject a plaint where the suit appears from the statements in the plaint to be barred by any law. The provision is intended to prevent vexatious and untenable litigation from proceeding to trial when a clear legal bar is apparent at the threshold. The power under Rule 11 is to be exercised cautiously, as rejection of a plaint results in termination of the suit

without adjudication on evidence. Courts have consistently held that only the averments in the plaint, and not the defence or extraneous material, can be looked into while considering rejection. This limited scope defines the judicial approach to Rule 11(d). The Supreme Court in **Popat and Kotecha Property v. State Bank of India Staff Association (2005) 7 SCC 510** reiterated that the test under Order VII Rule 11(d) is whether the plaint, on its face, discloses a legal bar. If the determination of the bar requires examination of disputed facts or evidence, rejection is not warranted. This principle ensures that Rule 11(d) is not used to prematurely stifle legitimate claims. At the same time, it preserves the court's duty to weed out patently barred suits.

2. Application of Rule 11(d) to the Present Suit. In the present case, the defendants contended that the plaint ought to have been rejected at the threshold on the ground of limitation and non-maintainability. A careful examination of the plaint shows that it does not disclose specific dates relating to the plaintiff's knowledge of the defendants' documents or the accrual of the right to sue. The plaint broadly asserts title and alleges unlawful possession by the defendants without setting out a clear temporal framework. While this omission weakens the plaintiff's case on merits, it also creates a situation where

the bar of limitation is not apparent solely from the plaint. Similarly, the non-maintainability under Section 34 of the Specific Relief Act, though evident upon a holistic reading, involves an examination of the reliefs sought vis-à-vis the documents relied upon by the defendants. Such an examination necessarily entails reference to documents and legal implications beyond the bare plaint averments. Therefore, strictly applying the settled principles governing Order VII Rule 11(d), this Court is of the view that outright rejection of the plaint at the threshold was not the appropriate course.

3. Distinction Between Threshold Rejection and Dismissal After Analysis. There is a clear doctrinal distinction between rejection of a plaint under Order VII Rule 11(d) and dismissal of a suit after comprehensive analysis. Rejection is based solely on the plaint and results in termination without trial. Dismissal, on the other hand, follows judicial consideration of pleadings, evidence, and applicable law. Courts have often preferred dismissal after full analysis where the issues involve mixed questions of law and fact or where the legal bar becomes apparent only after examining the entire matrix. In the present case, the issues of limitation, statutory extinguishment of title, and maintainability under the Specific Relief Act are intertwined with historical facts, statutory

interpretation, and State conduct over decades. Though the ultimate conclusion is adverse to the plaintiff, the complexity of these issues justified a full adjudication rather than summary rejection. This approach ensures fairness and completeness in the judicial process.

4. Judicial Prudence and Considerations. Judicial prudence also warrants that in cases involving large extents of land and competing claims between the State and private parties, the court records detailed findings on all aspects. Therefore, even if Rule 11(d) could arguably have been invoked, this Court consciously refrained from doing so. The refusal to reject the plaint under Order VII Rule 11(d) does not dilute the substantive findings on limitation and maintainability. On the contrary, it underscores that the dismissal of the suit rests on a thorough and reasoned analysis. This distinction is important to appreciate the procedural posture of the present judgment.

5. Effect of Non-Rejection on the Final Outcome. The fact that the plaint was not rejected at the threshold does not confer any advantage on the plaintiff. The ultimate dismissal of the suit after comprehensive analysis results in the same legal consequence. The

plaintiff's substantive rights, if any, stand negatived by the findings recorded herein. The procedural route adopted does not alter the outcome but strengthens its legal foundation. This Court therefore holds that while rejection of the plaint under Order VII Rule 11(d) was not warranted at the threshold, the suit is nevertheless liable to be dismissed on merits for the reasons already discussed. The analysis now proceeds to examine presumptions relating to possession, ancient documents, and the evidentiary consequences thereof.

6. Transition to the Next Aspect of Analysis. The next set of issues concerns the defendants' possession, the presumptions arising from long possession, and the applicability of Section 90 of the Evidence Act. These aspects, though not decisive by themselves, provide additional support to the conclusions already reached. The Court therefore proceeds to examine these issues in the next part. The cumulative consideration of these aspects will further demonstrate that the plaintiff's claim lacks legal and factual sustainability.

50. Possession, Evidentiary Presumptions, and Section 90 of the Evidence Act.

1. Legal Significance of Long and Settled Possession. Possession of immovable property is a significant factual circumstance in adjudicating disputes relating to title and ownership. While possession by itself does not confer title, long, open, and uninterrupted possession raises important legal presumptions. Courts have repeatedly held that settled possession, particularly when recognised by the State, cannot be lightly disregarded. Such possession is a strong indicator of the possessor's assertion of rights over the property. In the present case, the defendants and their predecessors have been in continuous possession for more than a century. The evidence on record shows that the possession of the defendants has been peaceful, open, and to the knowledge of the State. There is no material to suggest any interruption or challenge to such possession until the institution of the present suit. The State's prolonged silence and acquiescence further reinforce the settled nature of the defendants' possession. Courts have cautioned that belated challenges to long-standing possession undermine legal certainty. This factual matrix weighs heavily against the plaintiff's claim.

2. Presumption Under Section 110 of the Evidence Act. Section 110 of the Indian Evidence Act embodies the principle that possession follows title, but also permits the presumption of ownership

from possession when title is in doubt. When a person is shown to be in possession of property, the burden shifts to the person who asserts that the possessor is not the owner. This presumption is particularly strong where possession is long-standing and unexplained. The presumption does not operate where the origin of possession is admitted to be permissive, but it gains force where possession is asserted under colour of title. In the present case, the defendants' possession is supported by registered documents, statutory certificates, and revenue records. It is not a case of mere physical occupation without legal backing. The plaintiff has failed to establish that the possession was permissive or subordinate to any subsisting State title. Therefore, the presumption arising from possession operates in favour of the defendants and against the plaintiff.

51. On Possession and protection of possessory title. Rame Gowda v. M. Varadappa Naidu, (2004) 1 SCC 769

The defendants relied on **Rame Gowda v. M. Varadappa Naidu [(2004) 1 SCC 769]**, wherein the Supreme Court held that even a person in settled possession without title is entitled to protection against dispossession otherwise than by due process of law. A fortiori, where possession is long-standing, open, and recognised by the State itself through revenue records and statutory proceedings, such possession

cannot be disturbed by a belated suit. Applying this principle, the plaintiff's claim for recovery of possession is untenable.

Section 90 of the Evidence Act and Ancient Documents. Section 90 of the Indian Evidence Act permits the court to presume that a document which is thirty years old and produced from proper custody was duly executed and attested. This provision is founded on the recognition that proof of execution of ancient documents may be difficult due to passage of time. The presumption under Section 90 strengthens the evidentiary value of such documents. In the present case, several documents relied upon by the defendants, including the indenture of 1923, fall within this category. The defendants have produced these documents from proper custody, and there is no serious challenge to their authenticity. The plaintiff has not adduced any evidence to rebut the presumption under Section 90. While the presumption does not by itself establish title, it confirms the genuineness of the documents forming the root of the defendants' claim. This aspect further weakens the plaintiff's attempt to discredit the documents.

Interaction Between Possession and Documentary Evidence. The legal significance of possession is enhanced when it is supported by documentary evidence. Courts have held that possession coupled with

colour of title is a strong indicator of ownership. In the present case, the defendants' possession is corroborated by registered conveyances, purchase certificates, pattas, and revenue records. This convergence of factual and documentary evidence creates a compelling case in favour of the defendants. On the other hand, the plaintiff relies largely on historical records and abstract assertions of title. There is no evidence of recent exercise of proprietary control by the State. The absence of such evidence contrasts sharply with the defendants' consistent assertion and enjoyment of rights. This disparity further undermines the plaintiff's claim.

Possession and Limitation. The defendants' long possession also has direct relevance to limitation. Even if the State's title were assumed, the defendants' open and hostile possession would have triggered the running of limitation decades ago. The State's failure to act within the statutory period results in extinguishment of its right to recover possession. Courts have repeatedly held that limitation statutes apply with full force to the State unless expressly excluded. This principle reinforces the bar of limitation already discussed. Therefore, from the standpoint of possession and limitation, the plaintiff's suit is untenable. The long lapse of time, coupled with settled possession,

militates against granting any relief to the plaintiff. The law favours repose and stability over revival of stale claims.

No Presumption in Favour of the Plaintiff. The plaintiff sought to rely on presumptions arising from settlement entries and historical ownership. As discussed earlier, such presumptions are weak and rebuttable, especially in the face of contrary evidence. The presumption under Section 110 operates against the plaintiff, not in its favour, given the defendants' possession. The plaintiff has failed to discharge the burden cast upon it. Courts have consistently held that when competing presumptions arise, the presumption supported by contemporaneous and consistent evidence must prevail. In the present case, the defendants' presumptions are supported by a continuous chain of documents and conduct. The plaintiff's presumptions rest on outdated records and abstract claims. This imbalance is decisive.

Cumulative Effect of Presumptions and Possession. The cumulative effect of long possession, statutory presumptions, and documentary support leaves no room for doubt regarding the weakness of the plaintiff's case. Even independent of statutory extinguishment and limitation, the factual realities of possession and recognition tilt the balance decisively in favour of the defendants. Courts cannot ignore such

realities in favour of technical or historical claims. This Court therefore finds that presumptions relating to possession and ancient documents provide additional and reinforcing grounds for dismissal of the suit. The analysis now proceeds to a cumulative assessment of all evidence and legal principles, culminating in final findings on each point for determination.

52. Cumulative Assessment of Evidence, Law, and Competing Claims.

1. Integrated Evaluation of Historical, Statutory, and Factual Materials. Having examined the historical tenure, statutory framework, documentary evidence, possession, and procedural bars in isolation, it is now necessary to undertake a cumulative assessment. Courts are enjoined to evaluate the totality of circumstances rather than adjudicate issues in compartments. The present case involves overlapping questions of history, statute, conduct, and limitation. When these elements are considered together, a clear and consistent picture emerges. The plaintiff’s claim rests on historical assertions unsupported by surviving legal rights, whereas the defendants’ claim is grounded in statutory conversion, documentary continuity, and long-standing recognition.

The plaintiff has not demonstrated how any subsisting jenomic right survived the Royal Proclamations, the Kerala Land Reforms Act, and the issuance of purchase certificates. Nor has it explained the prolonged silence and acquiescence in the face of registered documents and statutory proceedings. The defendants, on the other hand, have established a continuous chain of rights recognised by the State itself. This asymmetry is decisive. A court of law cannot prefer abstract historical claims over concrete statutory and factual realities.

2. Interplay Between the High Court Writ Judgment and the Civil Adjudication. The connected writ judgment of the Hon’ble High Court forms a crucial pillar in the cumulative assessment. While not a decree of title, it authoritatively settled the legal framework governing Pandarapattom lands, statutory conversion of tenure, and the limits of the State’s power to assert title. This Court has consciously aligned its reasoning with those findings. Any contrary conclusion would not only be legally unsound but also disruptive of judicial consistency. The plaintiff has failed to place any distinguishing material to escape the application of the writ judgment. The lands in question have not been shown to fall outside the scope of the proclamations or statutory regimes analysed by the High Court. In such circumstances, the writ judgment

substantially weakens, if not entirely negates, the plaintiff's foundational premise. This factor alone renders the suit untenable.

3. Weight of Documentary Evidence Versus Abstract Assertions. Documentary evidence occupies a central place in land disputes, particularly where it spans several decades. In the present case, the defendants have produced registered conveyances, statutory purchase certificates, pattas, and revenue records forming a coherent chain. These documents were acted upon, recognised, and never annulled. The plaintiff has not challenged their validity in appropriate proceedings. Courts cannot ignore such a body of evidence in favour of unsubstantiated assertions. The plaintiff's reliance on the Settlement Register and historical records does not carry comparable weight. Such records, though relevant, are limited in probative value and are overtaken by subsequent legal developments. When confronted with a conflict between historical entries and statutory instruments conferring title, the latter must prevail. This hierarchy of evidence decisively favours the defendants.

4. Effect of Limitation and Procedural Bars in the Overall Balance. Limitation operates not merely as a technical defence but as a substantive bar reflecting legislative policy. In the present case, the right

to sue, if any, accrued decades ago. The State had constructive and actual knowledge of the defendants' claim through registration, revenue records, and statutory proceedings. The prolonged inaction is fatal. The bar of limitation thus reinforces the substantive weaknesses of the plaintiff's claim.

Similarly, the defect in maintainability under Section 34 of the Specific Relief Act compounds the plaintiff's difficulties. The omission to seek mandatory reliefs is not an incidental lapse but a structural flaw. When viewed cumulatively with limitation, this flaw underscores that the suit is not merely weak on merits but legally untenable. Courts cannot cure such defects by sympathetic interpretation.

5. Equity, Public Interest, and Legal Certainty. While courts are cautious in invoking equity against the State, considerations of fairness and public interest are not irrelevant. Legal certainty and stability of land titles are matters of public importance. Permitting the State to resurrect long-extinguished claims would unsettle settled rights and undermine confidence in statutory processes. Such an outcome would be contrary to the objectives of land reform and constitutional governance. The defendants and their predecessors have structured their affairs on the basis of State recognition and statutory instruments. To

now divest them of their rights would be inequitable and unjust. Courts must balance the sovereign interests of the State with the legitimate expectations created by its own actions. In the present case, that balance tilts decisively against the plaintiff.

6. No Residual Ground Supporting the Plaintiff's Claim. This Court has carefully scrutinised all submissions advanced on behalf of the plaintiff. None of them, either individually or cumulatively, provide a sustainable basis for granting relief. The plaintiff has failed to establish subsisting title, has approached the Court after inordinate delay, and has omitted mandatory reliefs. The evidentiary and legal foundations of the suit are therefore fundamentally flawed. The defendants, on the other hand, have successfully demonstrated that the plaintiff's claim is barred by law and unsupported by facts. The cumulative assessment leaves no room for doubt regarding the outcome. The suit cannot be decreed without violating settled legal principles and binding precedent.

7. Transition to Findings on Issues:-

In view of the comprehensive analysis undertaken above, it is now appropriate to crystallise the conclusions in the form of findings on each point for determination. This will ensure clarity and precision in the operative part of the judgment. The findings will reflect the integrated

reasoning already recorded and will avoid repetition. The Court therefore proceeds to record its findings on the issues framed in this suit, which will pave the way for the final result.

53. Findings on issues:-

This Court finds that the plaint schedule properties cannot be held to be Government lands vesting in the plaintiff State. Even assuming that the lands were originally held under Pandarapattom tenure, such tenure stood transformed by virtue of the Royal Proclamation of 1040 M.E. and subsequent statutory developments. The Kerala Land Reforms Act further extinguished any residual Jenmom rights and vested absolute ownership in the cultivating tenants upon issuance of purchase certificates. The plaintiff has failed to establish that the lands fall outside the scope of these proclamations or statutes. Consequently, the plaintiff has not proved subsisting title over the plaint schedule properties. The reliance placed by the plaintiff on historical settlement entries is insufficient to displace the legal effect of statutory vesting and long-standing recognition of private ownership. The connected writ judgment of the Hon’ble High Court has authoritatively clarified this legal position. Therefore, this point is answered against the plaintiff and in favour of the defendants.

54. The defendants have produced registered conveyances, statutory purchase certificates, pattas, and revenue records evidencing a continuous chain of rights. These documents have not been annulled or set aside in any proceedings. The presumption under Section 90 of the Evidence Act supports the genuineness of the ancient documents forming the root of title. The defendants' long, open, and uninterrupted possession further corroborates their claim. The plaintiff has not produced any evidence to discredit these documents or to show that they were obtained fraudulently or without jurisdiction. In the absence of such proof, this Court is bound to give effect to the documents. Accordingly, this point is answered in favour of the defendants.

55. This Court finds that the Settlement Register does not conclusively establish Government title over the plaint schedule properties. Settlement entries are historical and fiscal in nature and do not constitute title deeds. Their evidentiary value is limited and subject to subsequent legal developments. The entries relied upon by the plaintiff predate the Royal Proclamation of 1040 M.E. and the Kerala Land Reforms Act. In the face of statutory conversion of tenure, purchase certificates, and consistent State conduct recognising private ownership,

the presumption arising from the Settlement Register stands rebutted. Therefore, this point is answered against the plaintiff.

56. The suit is clearly barred by limitation. The plaintiff had constructive notice of the registered documents from their dates of registration and actual knowledge through revenue records, statutory proceedings, and issuance of certificates. The right to sue, if any, first accrued several decades ago. The suit, instituted after an inordinate delay, is hopelessly barred under Articles 58 and 59 of the Limitation Act. Even if Article 65 were to apply, the defendants' possession has been adverse for well over the statutory period. The plaintiff has not pleaded or proved any interruption or recent accrual of cause of action. Accordingly, this point is answered in favour of the defendants.

57. This Court finds that the suit is not maintainable under Section 34 of the Specific Relief Act. The plaintiff has omitted to seek mandatory reliefs for cancellation of statutory certificates and for declaration that the registered conveyances are not binding. Without invalidating these documents, the plaintiff cannot obtain a declaration of title or recovery of possession. The omission is fatal and violates the

proviso to Section 34. This defect is structural and cannot be cured by evidence. Therefore, this point is answered against the plaintiff.

58. Although the suit is barred by limitation and suffers from maintainability defects, this Court finds that outright rejection of the plaint under Order VII Rule 11(d) was not warranted at the threshold. The bar of limitation and the maintainability defects became apparent only upon a comprehensive analysis of pleadings, documents, and law. Therefore, rejection at the threshold was not appropriate. Nevertheless, this finding does not alter the ultimate outcome. The suit is liable to be dismissed after full adjudication. This point is answered accordingly.

59. In view of the findings recorded on the preceding points, this Court holds that the plaintiff is not entitled to declaration of title or recovery of possession. The plaintiff has failed to establish subsisting title, the suit is barred by limitation, and it is not maintainable under the Specific Relief Act. Granting the reliefs sought would be contrary to settled law and binding precedent. Accordingly, this point is answered against the plaintiff.

Summary of Findings - All material points for determination have been answered against the plaintiff. The cumulative findings leave no room for granting any relief sought in the suit. The defendants have

successfully demonstrated that the suit is legally and factually untenable. The analysis warrants dismissal of the suit in its entirety. The Court now proceeds to record the final result in the operative portion of the judgment.

60. Result.

1. Final Adjudication of the Suit. In the light of the exhaustive discussion and analysis undertaken in the preceding parts of this judgment, this Court finds that the plaintiff has utterly failed to establish any subsisting right, title, or interest over the plaint schedule properties. The historical assertions relied upon by the plaintiff stand eclipsed by the combined effect of royal proclamations, statutory land reform legislation, and binding judicial precedents. The plaintiff's reliance on settlement entries and abstract claims of jenmom rights is legally unsustainable. The connected judgment of the Hon'ble High Court has conclusively clarified the legal framework governing the lands in question, and this Court has adhered to the same. The plaintiff's claim cannot be sustained either on facts or in law. This Court further finds that the suit is hopelessly barred by limitation. The plaintiff had both constructive and actual knowledge of the defendants' title and possession for several decades. The right to sue, if any, first accrued long prior to the

institution of the suit. The prolonged inaction of the plaintiff is fatal and cannot be condoned. Limitation, being a matter of public policy, operates with full force against the plaintiff.

2. Maintainability and Procedural Defects. Apart from limitation, the suit also suffers from incurable defects of maintainability. The plaintiff has omitted to seek mandatory reliefs for cancellation of statutory certificates and declaration regarding the non-binding nature of registered conveyances. This omission violates the proviso to Section 34 of the Specific Relief Act. The Court is statutorily barred from granting the declaratory relief sought in the absence of such prayers. The defect is structural and goes to the root of the suit. The plaintiff’s attempt to bypass these mandatory requirements through clever drafting cannot be countenanced. Courts are duty-bound to look at the substance of the claim rather than its form. Granting relief in such circumstances would defeat the legislative intent underlying the Specific Relief Act and the Limitation Act. This Court therefore declines to exercise its declaratory jurisdiction in favour of the plaintiff.

3. Effect of State Conduct and Equity Considerations. This Court has also taken into account the long-standing conduct of the State

in recognising the defendants' predecessor and successors as lawful holders of the property. The State's actions in registering documents, effecting mutation, collecting land tax, participating in statutory proceedings, and issuing certificates are inconsistent with its present claim. While there is no estoppel against statute, principles of fairness, consistency, and public interest cannot be ignored. Legal certainty and stability of land titles are essential for orderly governance. Permitting the State to resurrect long-extinguished claims would unsettle settled rights and undermine confidence in statutory processes. Such an outcome would be contrary to the objectives of land reform and constitutional values. This Court therefore finds no equitable or legal basis to grant relief to the plaintiff.

61. Effect of the Alleged Failure of the Defendants to Prove Title or Jenmom Right. An argument was faintly advanced that the defendants have failed to conclusively establish their title or jenmom right over the plaint schedule properties and that such failure should enure to the benefit of the plaintiff. This Court finds the said contention to be fundamentally misconceived and contrary to settled principles of civil jurisprudence. It is trite law that in a suit for declaration of title and recovery of possession, the plaintiff must succeed on the strength of its

own case and not on the weakness or infirmity of the defence. The burden of proof does not shift merely because the defendant's evidence is found wanting. This principle applies with greater rigour where the plaintiff is the State asserting sovereign title against private parties in settled possession.

The plaintiff's case in the present suit fails on independent and substantive grounds, namely, statutory extinction of Jenmom rights, bar of limitation, and non-maintainability under the Specific Relief Act. These grounds operate irrespective of whether the defendants have established a perfect title. Once the Court finds that the plaintiff has no subsisting enforceable title, the suit must fail as a matter of law. The absence of proof of title on the part of the defendants cannot revive or create a title in favour of the plaintiff. Extinguished or unenforceable rights do not resurrect by default or by comparative weakness of the opposite party's case.

It is well settled that limitation is a complete and independent bar. Even a true owner cannot recover property if the suit is barred by limitation. Therefore, once this Court has found that the plaintiff's right to sue first accrued several decades ago and that the suit is barred under

Articles 58 and 59 of the Limitation Act, no enquiry into the sufficiency of the defendants' title can alter the result. Limitation does not depend upon the strength of the defence; it extinguishes the remedy itself. Consequently, even if the defendants had failed to prove any title whatsoever, the plaintiff could not have been granted relief in a time-barred suit.

It must also be borne in mind that in cases involving historical land tenure and statutory conversion of rights, defendants are not required to establish jennomic title in the classical sense. It is sufficient if they demonstrate lawful possession, colour of title, statutory recognition, or that the plaintiff's alleged title has been extinguished by operation of law. In the present case, the defendants have established far more, including long-standing possession, registered documents, statutory purchase certificates, and consistent State recognition. Even otherwise, the plaintiff's failure to prove subsisting title is decisive.

Courts have repeatedly cautioned against decreeing suits merely because the defence is weak or imperfect. Such decrees are legally unsustainable and are routinely set aside in appeal. A decree can be passed only when the plaintiff affirmatively proves a legally

enforceable right. In the present case, the plaintiff has failed to do so. Therefore, the alleged failure of the defendants to prove their title or jennomic right, even if assumed for argument's sake, does not affect the outcome of the suit.

62. Effect of Alleged Weakness in the Defence. This Court expressly records that the dismissal of the suit does not rest upon the strength of the defendants' title but upon the independent and fatal defects in the plaintiff's case. Even assuming infirmities or inconsistencies in the defendants' proof of title or jennomic right, the plaintiff cannot succeed unless it establishes a subsisting, enforceable right within limitation and in a maintainable form. Extinguished or unenforceable rights do not revive by default or by weakness of the defence. The result would remain the same even if the defendants' evidence were excluded in its entirety. Moreover this dismissal of the suit does not mean an affirmative declaration of title in favour the defendants.

Land Acquisition Proceedings (Exts.B45, B46, B48).

"It is also on record that the plaintiff-State initiated land acquisition proceedings in respect of the suit properties on two occasions, both of which were set aside by the Hon'ble High Court.

Though the initiation of acquisition proceedings does not, in law, operate as an estoppel against the State in asserting title, such conduct is nevertheless a relevant circumstance while appreciating the overall credibility of the plaintiff's claim. Acquisition proceedings proceed on the premise that the land belongs to a private party and are founded on the power of eminent domain rather than ownership. This aspect, however, is noticed only as a surrounding circumstance and not as a determinative factor, since the suit ultimately fails on the ground that the plaintiff has not independently established title by legally admissible evidence."

63. Before parting with the case, this Court places on record its appreciation of the assistance rendered by the learned counsel appearing for the plaintiff Sri.Saji Koduvath, Advocate. The learned counsel conducted thorough and meticulous legal research, and placed before the Court several complex questions of fact and law arising from the pleadings, evidence, and expert material. What merits particular commendation is the manner in which such issues were presented — with clarity, precision, and restraint, without unnecessary prolixity. The arguments were structured in a simplified and logical manner, enabling

the Court to appreciate intricate legal nuances with ease. The submissions were brief yet effective, and the legal propositions were explained with such lucidity that even a person untrained in law could grasp the essence of the controversy. The assistance rendered by the learned counsel substantially aided the Court in navigating the factual complexity and legal depth of the matter, notwithstanding the ultimate conclusions reached against the plaintiff. Such advocacy reflects professional competence and intellectual discipline, which this Court acknowledges with appreciation.

This Court also deems it appropriate to place on record its appreciation of the exemplary manner in which the defendants and their learned counsel Sri. P.Haridas, Sri. Joson Manavalan advocates conducted the proceedings. Despite the practical difficulties involved, including travel from other districts, the learned counsel appearing for the defendants did not seek a single adjournment and consistently extended effective assistance to the Court. The defendants, for their part, rendered full cooperation throughout the trial and expressed due appreciation for the extensive research and preparation undertaken on their behalf. Such disciplined conduct by parties and counsel, marked by

procedural punctuality, professional commitment, and scholarly preparation, greatly facilitates the judicial process. The Court considers it appropriate that this acknowledgment forms part of the permanent record, as it reflects the standards of responsible litigation and professional excellence that the justice delivery system seeks to encourage.

In the result, the suit fails and is accordingly dismissed. The plaintiff has not succeeded in establishing title or entitlement to the plaint schedule properties on the strength of the pleadings and evidence adduced. It is clarified that the dismissal of the suit is founded on the failure of the plaintiff to discharge the burden of proof cast upon it in law and shall not be construed as a positive or declaratory pronouncement on the absolute or indefeasible title of the defendants, which has not been sought or adjudicated upon in these proceedings. All interim orders, if any, stand vacated.

Having regard to the nature of the dispute, the complexity of the legal issues involved, the manner in which the parties conducted the proceedings and the fact that the plaintiff is a public authority asserting a claim of title, this court is of the view that the ends of justice would be

met by directing the parties to bear their respective costs. Decree shall be drawn accordingly.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 19th day of January, 2026.

Sd/-
Rajasree Rajgopal
Sub Judge

APPENDIX:

Exhibits Marked for the Plaintiff:-		
A1	-	Copy of the settlement register-Rsy No.357.
A2	-	Copy of the settlement register-Rsy No.368
A3	-	Copy of the settlement register-Rsy No.116
A4	16.03.2015	Before the special officer (Mr. M.G Rajamanikyam) for resuming the Government Land from M/s Harisons Malayalam Ltd. ETC, public office building museum junction-TVM. GLR No. (LR) 4/2013.
A5	16.03.2015	Before the special officer Affidavit No.GLR No. (LR)4/2013 .
A6	16.03.2015	Before the special officer (Mr. M.G Rajamanikyam IAS) For resuming the Government Land from M/s Harison Malayalam Ltd. etc. GLR No. (LR) 4/2013.- Affidavit.
A7	-	Pattaya forum-Changanacherry Taluk in Manimala Village.
A8	-	Puthuval Pattayam, Changanacherry Taluk, Kanjirappally Village.

A9	-	Certified copy of Plaint in OS 15/22.
A10	-	Copy of WP(c) 28657/2019.
A11	-	Copy of WP(c) 10640/15.
A12	-	Order of WP(c) 11515/2022.
A13	-	Copy of IA 2315/2018 in WP(c) No.10640/15.
A14	-	Copy of IA 8784/15 in WP(c) 10640/2015.
A15	-	Certified copy of settlement register in Changanacherry Taluk in Kanjirappally Village- No.18. Survey 368.
A16	-	Certifed copy of settlement register Survey 357.
A17	-	Certified copy of settlement register in Changanacherry Taluk in Manimala Village No.15, Survey No.116.
A18	11.12.2008	Procedings of Kanjirappally Tahasildar.
A19	06.10.2025	Procedings of RDO, Kottayam.
A20	05.02.2010	Proceedings of District Collector Kottayam. File No. E9-38186/09.
A21	-	Copy of Thandaper register- Erumely South Village.
A22	-	Thadaper register- Manimala Village.
A23	-	Copy of Purampoke register- Erumely South Village.
A24	-	Submission of Village officer Manimala, Purampoke register.
A25	-	Nil
A26	-	Copy of Basic Tax Register, Manimala Village.
A27	-	Copy of A- register -Survey -Erumely South.
Exhibits marked for the Defendants:-		
B1	02.07.1982	Proceedings of the Taluk Land Board , Vythiri.
B2	09.07.2015	Certified copy of power of attorney executed by the Managing Trustee Dr. Sini Punnoose in favour of Mr.Jacob Pothen in OS 251/14 of M.C Kanirappally.
B3	01.08.2005	Certified copy of Sale deed No.2329/05 of Erumely SRO.

B4	07.11.1947	Certified copy of Sale deed No,884/1947.
B5	-	Copy of Sale deed No. 834/1947 .
B6	13.08.2007	Photocopy of tax receipt.
B7	25.10.2005	Plantation Registration certificate. No.PTA/16 dated 25.10.05 issued to Manager B.C, Cheruvally Estate.
B8	10.09.2021 27.01.2021 24.05.2022	Office copies of the Annual return filed by Rubber Board for the financial year 2019-20, 2020-21, 2021-22.
B9	03.07.2007	Letter from Tahasildar Kanjirappally to General Manager, Cheruvally Estate.
B10	08.03.2007	Letter issued from Rubber Research Institute of India, Kottayam to the General Manager B.C, Cheruvally Estate.
B11	19.09.2014	Letter issued from Rubber Research Institute of India, Kottayam to the General Manager B.C, Cheruvally Estate.
B12	05.01.2022	Property Tax receipts (7nos)
B13	02.12.2021	Photocopy of property tax arrears demand notice .
B14	09.12.2008	Original Plantation tax receipt issued from Tahasildar Kanjirappally to B.C Cheruvally Estate..
B15	06.12.1994	Building Tax Receipt No.A1-107/94 issued from Panchayat office, Erumely.
B16	15.04.1989	Building Tax receipts No.091 issued from Erumely Panchayat office.
B17	17.03.1986	Building Tax receipts issued from Erumely Grama Panchayat.
B18	29.02.1992	Building Tax receipts in Erumely Grama Panchayat.
B19	05.12.1984	Original tax receipt No. 63 of Erumely South Village Office.
B20	04.03.2024	Building Tax receipts issued from Erumely Grama

		Panchayat.
B21	26.10.2004	Tax receipts No. 639599 issued from Erumely South Village.
B22	29.07.2005	Original Possession certificate issued by the Village Office, Erumely.
B23	25.11.1993	Certified copy of Judgment in C.R.P No.3661/1982 of Hon'ble High Court of Kerala.
B24	01.10.1991	Certified copy Trust Deed No. 305/1991 of Thiruvalla SRO.
B25	25.09.1997	Certified copy of Supplimentary deed No. 392/IV/1997 of Thiruvalla Sub Registrar Office.
B26	22.06.2001	Certified copy of Supplimentary deed 187/IV/2001 of Thiruvalla SRO.
B27	13.09.2011	Certified copy of Supplimentary deed No. IV 308/2011 of Thiruvalla SRO.
B28	31.01.2014	Certified copy of Supplimentary deed No. 32/IV/2014 of Thiruvalla SRO.
B29	16.04.2014	Certified copy of Supplimentary trust deed No. 118/IV/2014 of Thiruvalla SRO.
B30	09.02.2016	Certified copy of Supplimentary trust deed No. IV/37/2016 of Thiruvalla SRO.
B31	19.06.2009	Photocopy of the Proceedings of RDO, Kottayam in M-5679/2008.
B32	30.06.2011	Certified copy of Common Judgment in WP(c) No.6258/2010(F) of Hon'ble High Court of Kerala .
B33	06.01.2012	Certified copy of Common Judgment in RP No. 748/2011 in WP(c) 35458/2010 of Hon'ble High Court of Kerala .
B34	19.12.2012	Photocopy of the order in OP(c) 3508/2011(o) of of Hon'ble High Court of Kerala .
B35	25.10.2016	Certified copy of Order in IA 10697/2016 in WP(c)

		10640/2015.of of Hon'ble High Court of Kerala .
B36	17.09.2018	Certified copy of Order in SLP No.24028- 24035/18 of Hon'ble Supreme Court.
B37	22.08.2025	Copy of the Office memorandum issued by the Hon'ble High Court of Kerala.
B38	22.05.2008	Certified copy of old Survey plan of 116-1A-B-C.
B39	12.02.1991 12.03.1991	Certifed copy of the Kerala Gazette of Resy. notification in respect of the area in which the plaint schedule properties are situated.
B40	14.12.2023	Copy of Judgment in con. case (c) No, 487/2023 against the judgment in WPC 11515/2022 of Hon'ble High Court of Kerala. .
B41	29.10.2024	Tax receipt No. KL05020713426 /2024 issued from Erumeli South Village .
B42	29.10.2024	Tax receipt KL05021106791/2024 issued from Manimala Village.
B43	29.10.2024	Possession certificate No.979/2024 issued from Erumely South Village.
B44	01.11.2024	Details of Thandapper account No. 3676 of Erumely South Village.
B45	18.06.2020	Government Order No. GO (MS) No.158/2020 /RD of Revenue(B Department of Govt.of Kerala)
B46	13.03.2024	Gazette notification of G.O(P) No. 95/2024/RD of Revenue(B Department of Govt. Kerala)
B47	20.06.2024	Copy of Judgment in WP(c) No.13775/2024 of Hon'ble High Court of Kerala.
B48	26.04.2025	Kerala Gazette notification as SRO No. 484/2025.
B49	08.03.1923	Indenture.
B50	-	Photocopy of Patta No.792/1935 issued by Tahasildar Changanacherry.
B51	-	Photocopy of Supplimentary patta No.1118 issued

		by Tahasildar Changanacherry.
B52	27.10.1992	Photocopy of the Plantation Tax Assessment order No.PTF No.3894/91/B3 for the year 1988-89 to 1992-93 issued by Revenue Divisional Office, Devikulam.
B52 (a)	27.10.1992	Certifed copy of the Plantation Tax Assessment order No.PTF No.3894/91/B3 issued by Revenue Divisional Office, Devikulam.
B 53	30.09.1976	Kraya certificate.
B54	27.02.1998	Indenture.
B55	-	Puthuval pattayam
B56	07.04.11	Pattaya forum
B57	04.04.1979	Order in Company petition No.25 of 1978 connection with company application No.545 of 1978.
B58	19.09.1984	Order in Company petition No.13 of 1983 connected with miscellaneous company application No.35 of 1983
B59	29.10.1984	Fresh certificate of incorporation consequent on change of name.
B60	05.02.2015	Order in IA No.16940/2014 in WP(c) No.33122/2014(M)
B61	13.04.2018	Order in IA No.7372/2018 in IA 16940/2014 in WPC 33122/2014(M).
B62	03.07.2018	Order in IA 11660/2018 in IA 7372/2018 in IA 16940/2014 in WP(c) No.33122/2014 (M)
B63	18.12.2020	Photocopy of Order No. C8(V.C 09/2013/S.I.U- II) 33540/2012 of Vigilance and Anti-corruption Bureau, Thiriuvananthapuram.
B64	19.03.2012	Power of Attorney executed by Metropolitan Bishop Dr. K.P Yohannan in favour of Mr.Jacob Pothan.

B65	11.04.2018	Certified copy of Judgment in WP(c) No. 10640 of 2015 (D) of Hon'ble High Court of Kerala.
Witness Marked for the Plaintiffs:-		
PW1	20.03.2025	Usha Bindumol K.
PW2	23.08.2025	Shahina Ramakrishnan.
Witness Marked for the Defendants:-		
DW1	18.10.2025 21.10.2025 10.11.2025	Jacob Pothen.
Court Exhibits & Third party exhibits:- Nil		

Id/
Sub Judge

Typed by: Manju
Compd by:Sini

Rajasree Rajgopal
Sub Judge